

**BOULDER CITY COUNCIL MEETING  
MUNICIPAL BUILDING, 1777 BROADWAY  
Tuesday, December 18, 2012  
6 p.m.  
FINAL AGENDA**

**1. CALL TO ORDER AND ROLL CALL**

**A. Special Achievement Award for Lily Longley**

**B. Impacts of climate change on Western water– Presentation by Brad Udall**

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

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

**A. Consideration of a motion to approve the November 15, 2012 City Council meeting minutes**

**B. Consideration of a motion to accept the summary of the November 13, 2012 joint City Council and Open Space Board of Trustees (OSBT) study session on the OSMP Overarching Issues**

**C. Consideration of a motion to approve an Intergovernmental Agreement between the City of Boulder, City of Longmont, and Boulder County for participation in the Boulder County Hazardous Material Response Plan**

**D. Consideration of a motion to approve retroactive vacation accrual for Judge Cooke**

**E. Consideration of a motion to adopt a resolution declaring the intent of the City of Boulder, Colorado to authorize the city to execute a certificate approving the issuance of bonds by the Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing Partners using 2011 private activity bond volume cap in connection with financing residential facilities for low and moderate income families and persons**

**F. Third reading and consideration of a motion to adopt Ordinance No. 7881, amending Title 6, “Health Safety and Sanitation,” Chapter 4, “Regulation of Smoking,” B.R.C. 1981, including the addition of a definition of “Mall,” and a new section 6-4-5.5, “No Smoking on the Mall,” B.R.C. 1981 and setting forth related details**

**G. Second reading and consideration of a motion to adopt Ordinance No. 7884, amending Chapter 3-12, “Climate Action Plan Excise Tax,” B.R.C. 1981 to amend the expiration date, and setting forth related details**

**H. Consideration of the following items related to the annexation and initial zoning of an 0.85 acre property identified as 2475 Topaz Drive within Boulder County:**

1. Consideration of a motion to adopt a resolution finding the annexation petition in compliance with state statutes and establishing Jan. 22, 2013 as the date for a council action.

2. Introduction, first reading and consideration of a motion to order published by title only, an ordinance annexing a 0.85 acre of land generally located at 2475 Topaz Drive, with an initial zoning classification of Rural Residential – 1 (RR-1).

4. **POTENTIAL CALL- UP CHECK IN**

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

**ORDER OF BUSINESS**

5. **PUBLIC HEARINGS**

None

6. **MATTERS FROM THE CITY MANAGER**

- A. Transportation funding **check-in on** the progress of the **Transportation Maintenance Fee (TMF) Task Force**
- B. **Items related to the Civic Area Plan:** Structural analysis of city buildings in the high hazard flood zone, preliminary space use study findings, and ideas competition update

7. **MATTERS FROM THE CITY ATTORNEY**

None

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

- A. **Sister City update**
- B. **Appointment of council member representative to Northwest Mobility Study Committee**
- C. **1175 Lee Hill Good Neighbor Statement of Operations**
- D. **Regional Trails**

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

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

11. **ADJOURNMENT**

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**CITY OF BOULDER  
CITY COUNCIL PROCEEDINGS  
November 15, 2012**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Appelbaum called the regular November 15, 2012 City Council meeting to order at 6:00 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Ageton, Cowles, Jones, Morzel, Plass and Wilson. Council Member Karakehian arrived at 6:55 PM.

Those absent: Council Member Becker.

**2. OPEN COMMENT and COUNCIL/STAFF RESPONSE 6:05 PM**

1. Chelsea Canada – New Era Colorado (intern), spoke in support of paper and plastic bag fee
2. LeRoy Moore – Rocky Mountain Peace and Justice Center, spoke regarding Valmont Butte, wants an update on the remediation, would like a tour of the Valmont Butte site, when can he get an answer to the first two responses?
3. Catherine Schweiger – Spoke to potential call-up on the 4<sup>th</sup> Street project, nine-year time line for construction is too long, would like a three-year time frame for construction phase
4. Fred Smith – Spoke in opposition to a Walmart coming to Boulder, spoke about his traffic ticket and how that is outsourced by the city
5. Shirley Hueftle – Spoke about being evicted because of bed bugs
6. Rowan Hussein – Fairview Net Zero Club, spoke in support of plastic and paper bag fee
7. Katie Li – Fairview Net Zero Club, spoke in support of plastic and paper bag fee
8. Ilan Sherman w/ Cyndi and Rob (pooled time) – Spoke in opposition to a Walmart moving into Boulder (distributed a handout)
9. Super Dog – Doesn't want Walmart
10. Dave Kay – Spoke in opposition to Walmart, low wages – average \$8.87 per hour, cap on hours full-time employees can work create poverty, cited “The Hidden Costs of Low Price” documentary
11. Daniel Ho – Fairview Net Zero Club, spoke in support of the bag ordinance
12. Vivian Chen – Fairview Net Zero Club, spoke in support of bag fee
13. Ted Guggenheim – Spoke in support of the trailhead project and the nine-year time frame
14. Elizabeth Hondorf – Member of BOZA, speaking as individual, concerned about what's happening at Planning Board, would like council to call up Planning Board split decisions, opposed to plan for Boulder Junior Academy and would like it called up, nine-year time frame is too long
15. Emily Barnes – Fairview Net Zero Club, spoke in support of a bag ban

There being no further speakers, open comment was closed at 6:41 PM.  
Staff Response: 6:41 PM

City Manager Brautigam replied in regard to Valmont Butte. A tour of the site will be looked into. A remediation report will be provided to council by the Dec. 4 timeframe.

Council Response:

Council Member Jones thanked all who spoke to single use bag ban.

Council Member Morzel also thanked all who spoke to the single use bag ban.

Council Member Cowles thanked Fairview Net Zero Club on their efforts to have single use bags banned and looks forward to their next mission, as the planet is not yet safe. With regard to Walmart, council has no say as to the businesses that come into town. Walmart is having major issues in the country because of their low-wage system. Perhaps Boulder will not patronize them because of this system.

3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll call vote required.) 7:05 PM

**A. CONSIDERATION OF A MOTION TO APPROVE THE SEPTEMBER 18, 2012 CITY COUNCIL MEETING MINUTES**

**B. CONSIDERATION OF A MOTION TO APPROVE THE OCTOBER 2, 2012 CITY COUNCIL MEETING MINUTES**

**C. CONSIDERATION OF A MOTION TO CHANGE THE REGULARLY SCHEDULED MEETINGS IN JANUARY TO TUESDAY, JANUARY 8 AND TUESDAY, JANUARY 22 AT 6:00 PM**

**D. CONSIDERATION OF A MOTION TO ACCEPT THE OCTOBER 9 AND OCTOBER 23, 2012 STUDY SESSION SUMMARY REGARDING POSSIBLE REVISIONS TO THE CODE OF CONDUCT AND THE FINANCIAL DISCLOSURE REGULATIONS**

**E. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION TO PROVIDE FIRE PROTECTION SERVICES TO CERTAIN ANNEXED PROPERTIES PREVIOUSLY SERVED BY THE BOULDER RURAL FIRE PROTECTION DISTRICT**

**F. CONSIDERATION OF A MOTION APPROVING THE PROPOSED 2013 BUDGET, OPERATING PLAN AND BOARD NOMINATIONS FOR THE DOWNTOWN BOULDER BUSINESS IMPROVEMENT DISTRICT**

**G. FOURTH READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7870 AMENDING TITLE 6, "HEALTH, SAFETY AND SANITATION", B.R.C. 1981, REGARDING THE ESTABLISHMENT OF A FEE ON ALL DISPOSABLE PLASTIC AND PAPER CHECKOUT BAGS DISTRIBUTED AT FOOD STORES**

**H. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER  
PUBLISHED BY TITLE ONLY AN ORDINANCE APPROVING SUPPLEMENTAL  
APPROPRIATIONS TO THE 2012 BUDGET**

Council Member Morzel moved, seconded by Council Member Wilson, to approve Consent Agenda items 3A - 3H. The motion carried 7:0, Council Members Plass and Jones recused from item 3-F and Council Members Karakehian and Becker absent. Vote taken at 6:48 PM.

**4. POTENTIAL CALL- UP CHECK IN**

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

There was discussion regarding the potential call-up of the 4<sup>th</sup> Street project timeline of nine years.

Council Member Tim Plass asked about the timeline of the Trailhead Project. Some people might like to see more density in the area. He stated that nine years seems like a long time. He wanted to make sure that the public has a chance to weigh in on this issue.

Executive Director for Community Planning and Sustainability David Driskell responded there is a three-year window in which a project must be completed under the code. Under several circumstances there may be extensions under site review approval. A nine-year period would stretch out the construction process and allow for a more organic evolution of the neighborhood and how it fits in with its surrounding neighborhoods. Various changes were made by the board to support connectivity to surrounding area.

Mayor Appelbaum asked if any conditions were put on the private drive to the south so it may become part of a public area.

Executive Director Driskell said that because of grade change issues, there isn't expectation that that will not be for vehicular access, but instead for a pedestrian connection.

Council Member Morzel asked if the three-year phases were geographically distinct. The disturbance to the adjacent neighborhood is a concern. This causes anguish and disruption and should be mitigated as soon as possible. Construction hours should be set and adhered to, to avoid as much disruption as possible. She asked what the city generally receives for a cash-in-lieu unit and if it makes a difference if it's for a single family or a multi-family.

Executive Director Driskell presented phase one as development of infrastructure which should be substantially complete within three years. Seven structures were scheduled to be complete in phase one. Seven more structures were scheduled for phase two and the remainder were to be completed by phase three.

Mayor Appelbaum stated the cash-in-lieu amount is from \$120,000 - \$140,000 and the number of structures is one for every four built. Twenty-three total units are scheduled to be built.

Council Member Cowles stated he was on the Planning Board twice in the earlier part of the decade. He approved the proposal because the parcels will be sold and the owners will build upon them, making the neighborhood unique and not appear to be cookie-cutter. His only wish for this project was that more smaller units would not be required, as more \$2,000,000 homes will surely be built there.

After discussion, council indicated no interest in taking action on the potential call-ups.

## **ORDER OF BUSINESS**

### **5. PUBLIC HEARINGS**

#### **A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE 7879 OR 7880 RESPECTIVELY, AMENDING CHAPTER 4-23, "NEIGHBORHOOD PARKING ZONE PERMITS," B.R.C. 1981, SECTION 4-23-2 TO EITHER REMOVE THE SUNSET PROVISION AND MAKE COMMUTER PERMITS A PERMANENT PART OF THE PROGRAM, OR EXTEND THE SUNSET PROVISION FOR AN ADDITIONAL FIVE YEARS. 7:00 PM**

The presentation on this item was provided by Director of Public Works for Transportation Tracy Winfree and Downtown/University Hill Management Division and Parking Services Director Molly Winter.

The original Neighborhood Park and Grounding Program was passed in 1986. It was called "The Residential Parking Program." In May of 1997 the "Neighborhood Permit Parking" (NPP) ordinance was adopted. Many improvements and changes were made to take on more of a shared approach. It allowed for more management possibilities and commuter permits. Ten zones were depicted along with the number of permits delegated for each zone. Many general surveys were conducted. The general feedback obtained in the surveys was very positive. The current issue is the Commuter Permit Sunset. Three options are at hand: #1 - change the ordinance to remove the sunset; #2 - do nothing and the current commuter permits will expire on Dec. 31, 2012 and #3 - extend the sunset another five years to Dec. 31, 2017. A broad and complete overview will be conducted for paid parking and other parking principles. Advancements in technology have evolved. The parking permit program does align with other policies. The residents, visitors, employees and students will have access to street. Questions with NPP will be incorporated with overall look. There was a 4-1 vote from the Transportation Advisory Board on extending the sunset for another five years. Eliminating the commuter parking program was not discussed. Staff recommendations included making the commuter parking permits permanent, as the permits are working.

Council Comment:

Council Member Karakehian requested confirmation on if the committee was aware of the study and if the study findings have to go through the committee. The answer was that it did.

Council Member Morzel asked what the process was for the NPP districts in commercial and residential areas and if public notice was offered in the event of possible changes. She also asked about the difference between option 1 and option 3.

Director Winter explained that a petition starts from a neighbor who believes the parking is too congested. A petition generally represents everyone within the block in question. The regulations require a certain amount of white space. Commuter permits are limited per block. Notification is delivered. She explained that it is part of the ordinance that the NPP committee review goes through the Transportation Advisory Board along with all other associated boards. The pricing of the entire system is important to ensure it is all working cohesively.

Council Member Cowles asked if there was currently a demand for commuter permits that cannot be filled and is there a current waiting list. He asked several other questions, including what expense might be involved in evaluating where additional permit parking zones could be created. He asked if the front loaded charge is paid for by the revenues achieved.

Director Winter said there were more parking opportunities for commuters in all districts. She confirmed that commuters were assigned to a particular block face. The percentage of city employees holding these permits is unknown. The expense of new parking zone requests would depend upon the size of the zone needed, the location of the zone and the extent of the request. An outside consultant would be hired to do outside studies to ascertain the utilization of the request. The revenues received for the zones cover the study to the completion of the new zone.

The public hearing was opened:

1. Gabriel Conners – Supported option 3 with the extension of the sunset provision. Award programs on the RTD would be helpful.

There being no further speakers, the public hearing was closed at 7:27 PM.

Council member Wilson moved, seconded by Council Member Ageton, to adopt Ordinance No. 7879 amending the Neighborhood Parking Program removing the sunset provision to make the program permanent. The motion carried 8:0 with Council Member Becker absent. Vote taken at 7:30 PM.

**B. CONSIDERATION OF A MOTION TO APPROVE THE MUNICIPALIZATION CHARTER REQUIREMENT METRICS 7:32 PM**

Presentation of this item was provided by Executive Director of Energy Strategy and Electric Utility Development Heather Bailey and Regional Sustainability Coordinator Jonathan Koehn.

In first quarter of 2013, Council will be asked, if, based on Charter requirements, municipalization is feasible and based on the risks and various opportunities of each strategy presented, should the city move forward with municipalization, or a different energy strategy.

The metrics are the first step of the timeline. Comments, questions and changes have been

incorporated into the basic framework of the metrics. The metrics are the quantifications of the Charter goals. They are not necessary to this part of the process, but they add a level of objective evaluation. They are not intended to be the only criteria for making a municipalization decision and they're not intended to be all-inclusive for the accomplishment of municipalization.

Regional Sustainability Coordinator Jonathan Koehn stated some of the changes made since October include the purpose of the metrics. They were not intended to be controversial. The modified wording since October 16 draft includes clarified wording for rate, financial, reliability and greenhouse gas reduction metrics. Also more specificity was added. This is not the only criteria to be considered to determine if municipalization should be achieved. Rates comparison was explained to be conducted in an "apples to apples" fashion. Rating methodology will be done with appropriate personnel with the city. With regard to reliability, the changes made were to ensure that the function of operation would be comparable to one that is already in operation, such as Xcel. With regard to greenhouse gases, energy efficiency and renewables, the Charter illustrates that a plan must be in place to maintain minimum levels of emissions, comparable to what is already in place with Xcel.

Executive Director Bailey continued with the issues raised and their solutions. The metrics do not cover enough areas to inform council. The risks of municipalization are not being considered and the rate comparison is not detailed by customer class. The metrics were really tied to the work that is being done - the Charter. A rigorous analysis is needed and is being conducted. If bonds are issued to form a municipality, principle payments will be looked at, based on what makes sense. A referral of debt payments cannot be used to defer the financial position. Checks and balances are already in place. The greenhouse gas renewables requirements should be set to demonstrate material improvements and not marginal improvements. By developing a five-year plan and a 20-year plan, council will be able to evaluate the magnitude of greenhouse gas reductions and increased renewables, as well as its impact on costs. Transparency is not included in the Charter. Some information is confidential and cannot be released to the public. However, four stake-holder work teams are working with the committee and are adding to the guidelines.

Important dates include: Dec. 11th - Council Roundtable, Study Session, with project update and presentation by Financial Advisor; Jan. 2013 - Voting of Strategies with the Public; Feb. 2013 - Council Study Session - draft recommendations; and March 2013 - Council Meeting on municipalization recommendations.

City Attorney Tom Carr stated that the Charter conditions are what they are. Transparency is always an issue. The information that can be provided to the public will be provided to the public. In this situation, it is a complex process and for security purposes and for the purposes of potential future litigation, confidential information cannot be compromised. Therefore, complete transparency is not possible.

Council Comments:

Council Member Wilson asked what decisions the March 2013 meeting would actually trigger. He also asked what the process was to investigate other alternatives and if there would be a vote to offer staff alternatives.

Executive Director Bailey answered, based on the Charter, can we actually meet the requirements, based on the analysis of the risks and the trade-offs with municipalization. With regard to other alternatives, the Dec. roundtable would offer a white paper for analysis. Revenue requirements will include every cost needed to manage this project. Xcel will have a revenue requirement and the city of Boulder will have a revenue requirement. Some items on either side may not be the same. But, it is a reflection of total costs from each entity. Cash flow will also be calculated along with debt-to-equity to ensure they meet with industry standard. This will be discussed in December.

City Attorney Tom Carr stated that a go and no-go decision could be made at the meeting. Any condemnation proceeding would have to go through council as long as it was stated in the ordinance. After that time, instructions would be given to the appraisers as to what to appraise. It is part of the overall work plan to look at alternatives and the roundtable would also give the public an opportunity to respond to council with alternatives.

Regional Sustainability Coordinator Jonathan Koehn added that complete municipalization is not the only path to achieve the goals. He stated that it is not appropriate to include Wind Source as part of the base rate when it came to modeling the rates.

Mayor Appelbaum stated that when spring arrives many numbers will be unknown. With regard to the business model, which has a lot of moving parts, he asked how risk analysis was incorporated into the plan so it is understood and how many of the numbers will be available to the public.

Executive Director Bailey shared that the different components will be brought together to best represent cost, achieving emissions reduction and the risks associated with them, along with many other aspects of the plan. As far as the range of numbers is concerned, they are all being blended and will be presented when they are obtained.

Council Member Ageton spoke to the access of the data as a source of concern and asked when more information about cost comparison will be available to offer confidence to the public.

Executive Director Bailey was confident that the data for cost drivers for residential, commercial and industrial rates was being collected. Regional Sustainability Coordinator Jonathan Koehn explained that some reverse-engineering was being done to obtain the information on the three rate classes and the 28 rate schedules, which include street lighting. The way the rates are designed is not public information available at the PUC.

Executive Director Bailey stated the rate-setting process was very complex. Many industrial customers believe that rates will be higher for commercial and industrial.

Council Member Karakehian spoke to the rates if cost allocation by rate-class data is available by Xcel, will the city replicate the calculations, or will the city try to replicate Xcel rates. He stated he has received many e-mails with regard to major users opting out. He asked if, due to reliability issues, would opting out for major customers be possible, and also asked if any analysis has been conducted if that event were to occur.

Executive Director Bailey confirmed that the city will replicate Xcel's rate-class calculations, as long as Xcel's data was obtainable. She stated she has heard that Colorado University and IBM were the major customers that she had heard may opt out. She stated that it is currently unknown as to their ability to opt out based on regulatory law. Modeling is being looked at that may include that scenario.

Council Member Cowles asked about the financial considerations if council were to decide on full municipalization in December. He acknowledged that there are two different issues and they are: (1) if the city could municipalize, and (2) if the city should choose to municipalize.

Executive Director Bailey confirmed Council Member Cowles' acknowledgement as to the two issues of municipalization as could it be done and should it be done. She added that if Council chose to move forward with municipalization, the outcomes of the litigations would include off-ramps.

The public hearing was opened:

1. Thomas Codevilla – 3<sup>rd</sup> year law student, spoke regarding debt service coverage ratio (had presentation for speakers 1 through 4)
2. Lauren Thompson – 3<sup>rd</sup> year law student, spoke of her interest in renewable energy, rate parity, against proposed metrics, supports Council Member Wilson's ideas
3. Roger Koenig – spoke in opposition to proposed metrics and how the decision should include a feasible business plan. He reference Hurricane Sandy and how utilities were out for two weeks. Feasibility needs to include acts of nature.
4. David Munsinger – spoke on reliability metrics and how the transmission control point is not in Boulder - as shown on his slide.
5. Steve Pomerance – gave a presentation that presented the question, if municipalization made sense for Boulder.
6. Karey Christ-Janer - stated that renewable energy is the basis for localization and leverage with Xcel is slipping
7. Paul Szilagyi - his career has been focused on energy since 1999 and encouraged council to re-read the Charter that is passed. The city should move forward only if it can move past the five pillars. Council owes this to the citizens. Rationalization should not be the death of common sense.
8. Beth Hartman - thanked council for keeping an open mind. Utilities are often ignored. Moving forward, please think like Carl Rowe.
9. Tim Murphy - Heather Bailey's presentation was not complete and requested that council did not vote on this.

10. Terry Clymer - worked for Xcel for 38 years and stated that there are major obstacles for Boulder if they municipalize. Wages, equipment, warehousing among numerous other issues need to be considered.
11. Jim Hartman - stated that Boulder needs to move forward and urged council to accept municipalization.
12. Bernie Cunningham - stated the annexation of the county residents away from Xcel is not desired. Xcel is working just fine.
13. Eric Gorsegnier - spoke in support of the process of municipalization.
14. Gabriel Conners - spoke in support of municipalization. Boulder sets the wave of the future. The long-term investments are valuable.
15. Ruth Blackmore - spoke on behalf of Plan Boulder County in support of the municipalization. If it proves to be not feasible, the off-ramps can be used.
16. Angelique Espinoza (pooling time with Clif Harald and Ed Byrne) - spoke with regard to the ability to municipalize as it differs from if Boulder should municipalize.
17. Rick Tazelaar - spoke in support of the metrics and stated that the process to frame and size the issues should be carefully analyzed.
18. Chris Hoffman - spoke in support of the metrics.
19. Zane Selvans - an employee of utilities and spoke to the cost comparisons per kilowatt. He suggested a risk-adjusted cost comparison.
20. Micah Parkin - spoke in support of metrics to create municipalization for more affordable and reliable city-operated utilities.
21. Tom Asprey - spoke in support of staff on metrics.
22. Leslie Glustrom - spoke in support of metrics and urged council to nip the inappropriate information and comments in the bud.
23. Lynn Segal - spoke in support of staff metrics.
24. Sam Weaver - brought up the big picture and sticking to the steps toward municipalization.

There being no further speakers, the public hearing was closed at 9:28 PM.

Executive Director Bailey stated that annexation is nowhere in the near future. Regarding Hurricane Sandy, a lot more could have been done. Measures are in place to react to natural disasters. The great black-out of the Northeast was caused by employee error.

Council Member Plass moved, seconded by Council Member Morzel, to approve the Municipalization Charter Requirement Metrics, including:

In approving these metrics, the council makes the following findings and determinations:

- The metrics represent standards of measurement for determining whether the minimum tests described in the City Charter have been met before a decision can be made to create a municipal utility.
- These metrics are not the only criteria council will use to evaluate moving forward with exploration of creation of a municipal utility.
- The council intends to continue to analyze the strengths, weaknesses, opportunities, and tradeoffs before moving forward with creation of a municipal utility.

- The council intends to use its policy discretion to determine whether to continue exploring municipalization, including without limitation factors based on cost-benefit analysis, local control, electric generation resource purchase, or flexibility in energy services that may be provided by creation of a municipal utility.

Council Member Wilson addressed **Rate Parity** noting the Charter requirement states: Average cost per kilowatt (kWh) hour of electricity by class as provided by Xcel (residential, commercial and industrial) compared to Xcel's average cost per kWh at time of acquisition.

He then commented that the average cost is calculated using the utility's annual revenue requirement divided by the most recent annual kWh projections provided by Xcel. The revenue requirement includes all elements that are currently included in rate-payer costs, such as operations and maintenance, incentives, fuel cost, purchased power, and capital costs (debt service).

Due to the inability of city staff to obtain key rate calculation inputs, such as kWh (energy) and kW (demand) by rate class and tariff, rate comparisons by rate schedule cannot be calculated. These inputs, along with the methodology Xcel uses to allocate costs and calculate rates currently are unavailable. The breakdown of total revenues and kWh between residential, commercial and industrial are currently the only level of detail available at this time.

Council Member Wilson moved, seconded by Council Member Karakehian, to amend the Municipalization Charter Requirement Metrics as follows:

Rate Parity - Amendment 1

For the purpose of calculating equivalent rates, the annual revenue requirement must include (1) Payment In Lieu Of Taxes (PILOT) equivalent for local (city and county) taxes paid by Xcel, (2) Demand Side Management programs at current Xcel levels, (3) Wind Source revenues from Boulder customers at current levels, (4) Low income programs supported at current Xcel levels, (5) 2% renewable energy standard fund, (6) start up costs, estimated with as much precision as possible, (7) all nonbase rate adjustments then recovered by PSCO, (8) all fixed and variable costs necessary to insure reliable service. In performing its analysis, city staff will use industry standard municipal utility models and rate and cost calculation methodologies such as are used by Colorado Springs or other comparable municipal utilities

The motion failed 2:6 with Council Members Wilson and Karakehian in favor and Council Member Becker absent. Vote taken at 9:51 PM.

Council Member Wilson then addressed **Debt Service Coverage Ratio (DSCR)** noting the Charter Requirement states: Rates produce revenues sufficient to pay for the new utility's operating expenses and debt payments plus an amount equal to 25% of debt payments. Proposed Metric states: Debt service coverage ratio DSCR will be measured by dividing net annual operating income by the total annual debt service, using a standard rating agency methodology.  
He noted

Council Member Wilson commented that DSCR is measurement of a utility's ability to generate enough revenue to cover the cost of its debt payments. It is calculated by dividing the net operating income by the total debt service. The Charter requires that the new utility have a DSCR of 1.25, meaning that it generates 25% more revenue than required to cover its debt payment. This is a standard metric used by all rating agencies who evaluate municipal utility bonds. Staff will work with the city's financial advisor to develop a calculation of DSCR that will meet the rating agency requirements.

Council Member Wilson moved, seconded by Council Member Karakehian, to amend the Municipalization Charter Requirement Metrics as follows:

Debt Service Coverage Ratio - Amendment 2

For the purpose of business case calculations that reflect true costs to ratepayers, bond payments must be calculated on an equal payment per year basis with no shaping for credit enhancement to avoid making early year rates artificially low and no deferral of debt service payments for known, finance able costs.

The motion failed 1:7 with Council Member Wilson in favor and Council Member Becker absent. Vote taken at 10:03 PM.

Council Member Wilson then addressed **Reliability** noting that the Charter Requirement states: Reliability comparable to Xcel

Proposed Metric: 1. Maintain comparable electric equipment facilities and services as those of Xcel at time of acquisition which will be designed to achieve the same System Average Interruption Duration Index (SAIDI) of 85 and a System Average Interruption Frequency Index (SAIFI) of .85 which is slightly better than the Xcel four year average for the Boulder region; 2. Maintain an adequate reserve margin of 15%; and 3. Meet applicable North American Electric Reliability Corporation NERC compliance requirements.

Council Member Wilson's comment: 1. "Comparable electric equipment" means the purchased or installed electric utility equipment and configuration provides the same level of reliability (redundancy and system protection) as the equipment currently owned and operated by Xcel for the area identified for municipalization; 2. "Comparable services and facilities" includes providing experienced and professional management of the local utility grid, including ongoing investment in maintenance and system improvement, and a strong customer service ethic and partnerships to respond to emergencies, daily maintenance, and long-term grid investment; 3. The SAIDI and SAIFI metrics are based on Xcel's four year average for the Boulder region. This includes more than the city of Boulder and discrete metrics for the city are not available. Without understanding the condition of the system and its performance, the selection of an average seemed to be a reasonable measure; 4. A reserve margin or "reserve capacity" is an amount of electricity capacity above the anticipated load. 15% is the accepted industry practice; and 5. NERC is the electric reliability organization (ERO) certified by the Federal Energy Regulatory Commission to establish and enforce reliability standards for electric utilities.

Council Member Wilson moved, seconded by Council Member Ageton, to amend the Municipalization Charter Requirement Metrics as follows:

Reliability - Amendment 3

The separation design for the Boulder distribution grid should provide no less redundancy and switching capability than exists with the current Xcel grid prior to separation. This should involve, at the least, ensuring that feeder ties and switches as well as neighborhood (tap) level distribution loop feeds and switching capabilities provide the same level of redundancy or better than the current Xcel grid in Boulder.

The motion failed 2:6 with Council Members Wilson and Karakehian in favor and Council Member Becker absent. Vote taken at 10:15 PM.

Council Member Wilson then addressed **GHG/Renewables** noting that the Charter Requirement states: A plan to reduce greenhouse gas GNG emissions and increase renewable energy.

Proposed Metric: A short-term plan (5 years) demonstrating that emissions will be reduced, as calculated based on metric tons equivalent, and that renewables will be increased proportionally beyond the levels that would have been otherwise achieved by staying with Xcel at the time of acquisition. A long-term plan (20 years) will demonstrate that the city's carbon intensity from electricity in its portfolio will be less than Xcel's and renewables (as a proportion of the resource mix) will be greater than Xcel's.

Council Member Wilson's comment: The specific metrics for showing measurable reductions will minimally include metric tons of carbon dioxide equivalent (mtCO<sub>2</sub>e), which is used to convert all GHGs, such as CO<sub>2</sub> and CH<sub>4</sub>, into a single measure. The plan will address emissions of other pollutants associated with generating electricity. The reductions will include, for both the city and Xcel the impacts of energy efficiency and demand response programs. Given that reductions are to be made over time, the comparison to Xcel must use the same load growth assumptions Xcel is using to define its future resource requirements and portfolio before energy efficiency or demand response adjustments.

Council Member Wilson moved, seconded by Council Member Ageton, to amend the Municipalization Charter Requirement Metrics as follows:

GHG/Renewables - Amendment 4

Because the increase of renewable energy and reduction of GHG emissions are strong community values and form the primary basis for the exploration of municipalization, the short-term and long-term plans will demonstrate material, not marginal, improvements of GHG emission reductions and renewable energy increases. City staff will determine the cost of the 5 and 20 year plans for GHG emissions reductions, add the costs to the revenue requirement and run additional business case scenarios to show the impact on rates over time.

The motion failed 3:5 with Council Members Wilson, Karakehian and Ageton in favor and Council Member Becker absent. Vote taken at 10:23 PM.

Council Member Wilson then addressed **Transparency**

Council Member Wilson moved, seconded by Council Member Ageton, to amend the Municipalization Charter Requirement Metrics as follows, with the removal of the sentence regarding engineering line drawings:

Transparency - Amendment 5

To ensure transparency and adequate opportunity for public review and comment, city staff will promptly release to the public the executable business case model and any other models, inputs and assumptions used to generate that business case. Any engineering line drawings used to design grid separation, showing locations of switches and other equipment, along with equipment lists and prices will also be provided. All such documentation will be provided as soon as it is available, including in draft form and, for the final form, at least 21 days in advance of a council decision that will be based in part on this material.

The motion failed 1:7 with Council Member Wilson in favor and Council Member Becker absent. Vote taken at 10:37 PM.

Vote was taken on the main motion to approve the Municipalization Charter Requirement Metrics, including:

In approving these metrics, the council makes the following findings and determinations:

- The metrics represent standards of measurement for determining whether the minimum tests described in the City Charter have been met before a decision can be made to create a municipal utility.
- These metrics are not the only criteria council will use to evaluate moving forward with exploration of creation of a municipal utility.
- The council intends to continue to analyze the strengths, weaknesses, opportunities, and tradeoffs before moving forward with creation of a municipal utility.
- The council intends to use its policy discretion to determine whether to continue exploring municipalization, including without limitation factors based on cost-benefit analysis, local control, electric generation resource purchase, or flexibility in energy services that may be provided by creation of a municipal utility.

The motion carried 7:1 with Council Member Wilson opposed and Council Member Becker absent. Vote taken at 10:51 PM.

**6. MATTERS FROM THE CITY MANAGER - None**

**7. MATTERS FROM THE CITY ATTORNEY - None**

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

**A. Potential Call-ups**

1. **Potential Call-up of Site and Use Review for John's Restaurant, 2014 Pearl**  
No action was taken on this issue

**2. Potential Call-up of Site Review for Trader Joe's**

No action was taken on this issue

**3. Potential Call-up of Site Review approval for 2641 4th Street**

No action was taken on this issue

Mayor Appelbaum moved to suspend the rules and continue the meeting. The motion carried 7:1 with Council Member Karakehian opposed and Council Member Becker absent. Vote taken at 10:52 PM.

**B. CONSIDERATION OF A MOTION REGARDING 2012 PERFORMANCE EVALUATIONS, AND PERFORMANCE BASED SALARY ADJUSTMENTS FOR THE CITY MANAGER, CITY ATTORNEY, AND MUNICIPAL JUDGE**

Council Member Wilson moved, seconded by Council Member Karakehian, that based on performance ratings and the 2012 Base Pay Increase Ballot, City Council award a pay increase of \$5,900 (3.0% of base salary) to the City Manager's base salary, a pay increase of \$5,279 (3.0% of base salary) to the City Attorney's base salary, a pay increase of \$3,818 (3.0% of base salary) to the Municipal Judge's base salary, retroactive to June 25, 2012, and to ensure that all three employees accrue vacation in accordance with the accrual schedule of the city directors if that accrual is greater than the employee's existing contract allowance. The motion carried 8:0 with Council Member Becker absent. Vote taken at 11:10 PM.

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

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

**11. ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on November 15, 2012 at 11:14 PM.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Alisa D. Lewis,  
City Clerk

\_\_\_\_\_  
Matthew Appelbaum,  
Mayor



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE** Consideration of a motion to accept the summary of the November 13, 2012 joint City Council and Open Space Board of Trustees (OSBT) study session on the OSMP Overarching Issues.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Bob Eiche, Finance Director /Acting Executive Director of Administrative Services,  
Michael Patton, Director of Open Space and Mountain Parks Department  
Steve Armstead, Environmental Planner  
Kacey French, Environmental Planner

**EXECUTIVE SUMMARY**

This agenda item provides a summary of the November 13, 2012 joint city council and Open Space Board of Trustees study session on the Open Space and Mountain Parks Overarching Issues. The purpose of the study session was to provide City Council with an update on the evaluation, and discuss and seek council feedback.

**STAFF RECOMMENDATION**

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

Motion to accept the study session summary from the November 13, 2012 Open Space and Mountain Parks Overarching Issues.

**ATTACHMENTS**

Attachment A: November 13, 2012 study session summary.

**November 13, 2012**  
**City Council/OSBT Joint Study Session Summary**  
**Overarching Issues**

**PRESENT**

**City Council:** Mayor Matt Appelbaum, Deputy Mayor Lisa Morzel, and Council Members Suzy Ageton, Macon Cowles, Suzanne Jones, George Karakehian, Tim Plass, and Ken Wilson

**Staff Members:** City Manager Jane S. Brautigam, Deputy City Manager Paul Featherston, and Communications Director Patrick Von Keyeserling

**Open Space Board of Trustees:** John Putnam, Allyn Feinberg, Tom Isaacson, Shelley Dunbar, and Frances Hartogh

**Staff Members:** Mike Patton, Eric Stone, Steve Armstead, Kacey French, Mark Gershman, Ronda Romero, Michele Gonzales, Leah Case.

**PURPOSE**

The purpose of this study session is to present information on the Open Space and Mountain Parks Overarching Issues which includes: Voice and Sight Tag Program, Pilot Parking Program and Commercial Use Program.

Mike Patton, Director of Open Space and Mountain Parks (OSMP), provided a brief background on the Overarching Issues.

**PRESENTATION**

Kacey French, Environmental Planner, provided City Council and the Open Space Board of Trustees (OSBT) with a presentation on the Commercial Use Program. The Commercial Use Program began in 2007 as part of the Visitor Master Plan Implementation. There are three program goals:

1. Minimize the impact of commercial activity on natural and other resources.
2. Minimize the impact of commercial activity on the visitor experience.
3. Make the permit application relatively simple and convenient, easy to administer and accurately track.

**Recommendation**

- Continue the Commercial Use Permit Program with minor modifications
- Eliminate the following additional terms and conditions for “Limited” permit holders:
  - On trail requirement
  - Pack out trash requirement
  - On leash requirement
- Retain the group size limit of 16 people for all activities; do not establish different group size limits for different activities
- Require only general pre-trip reporting
- Redesign the on-line application and database
- Require a \$25 application fee (not the cost of the permit)
- Accept a lower general liability amount of insurance for photographers
- Do not increase permit fees

**COUNCIL QUESTIONS/COMMENTS:**

Deputy Mayor Morzel asked how staff will know when the department has passed the threshold of sustainability. Kacey French responded stating the permittee must complete an end of year report and staff will monitor and make recommendations based on that data. Deputy Mayor Morzel then asked if staff was modifying the pre-trip information. Kacey said yes and explained the goal of modifying the pre-trip information is to have more accurate information that staff can use to adaptively manage commercial groups. Deputy Mayor Morzel also asked about the Annual permits; how many groups of 16 are out there and how are they dispersed. Kacey said staff looks at each permit application individually and makes specific recommendations based on the requested location of the trip. Mike Patton explained that staff has the ability to let applicants know if the group size is too large for the requested activity and location. Deputy Mayor Morzel commented there could be an argument that some types of users on a trail, such as 16 hikers, would create

less impact and less conflict than 16 dog walkers or 16 mountain bikers, etc. Kacey French said the primary focus should be on the behavior of the participants as trail etiquette is extremely important and the experience could be managed that way. She said it is very difficult to tell the different ways a visitor's experience could be negatively impacted. Kacey added that with the modification staff can ask people to break into smaller groups. John Putnam said the OSBT discussed the issue and the focus was on mountain bikes and whether that deserved special treatment for smaller group sizes. John continued by saying it there had been some identified concerns, those may be a more disruptive activity with larger groups. He said the majority of the OSBT felt there was not enough evidence that there was any greater disruption from the mountain bikes group.

Council Member Jones, referring to carrying capacity issue, asked if the groups of 16 represented the most concentrated use on the system. Kacey French explained the Special Use Permit Program. Council Member Jones asked if the department has thought about a tiered fee system for the large commercial operators who use the system many times a year verses those operators who do not come use it as much. Kacey said the department did not discuss a tiered fee system based on level of visitation but explained that there are different fee's for profit verses non-profit organizations. Council Member Jones then asked if there were other low risk user groups besides photographers who could benefit from the lower liability insurance fees. Kacey said the liability insurance limits are directed by the Risk Management Department and the risk for photographers is significantly lower than any other user group; all other user groups have a more active level of engagement. Kacey continued by saying staff has heard from the photographers that the insurance requirements have been a barrier for them to comply to get a permit as the cost of the liability insurance is significant; by lowering the insurance limits, staff felt it would increase compliance.

Council Member Karakehian commented that the liability insurance is protection for the user groups not the City of Boulder; it does not protect the city from being sued. Tom Isaacson said it does help the city to be assured that if the operator gets sued, they have some assets.

Mayor Appelbaum asked if the department thinks there is compliance among the user groups to obtain the proper permits. Mike Patton said staff does pay attention to large groups on Open Space and also periodically checks websites, etc. for groups who advertise coming to Open Space for activities that may or may not have a permit.

Mayor Appelbaum asked if larger groups break into multiple smaller groups to avoid the large group requirements of the commercial permit program. Mike responded that the department has had a report of that happening and staff looked into it and found the operator had a permit. The operator maintained they operated within the permit conditions. Tom Isaacson added that some of the commercial operators promote the Open Space mission and wanted to be careful not to discourage people. John Putnam said some of the organizations aimed at kids help build stewardship and provide a critical function.

Deputy Mayor Morzel asked if the Boulder Valley School District (BVSD) use OSMP lands. Mike Patton said yes. Frances Hartogh asked if the school district was exempt from getting permits as she sees running groups on Open Space. Kacey French said those groups are required get a special use permit.

Council Member Jones commented if the city were to subsidize a program, this program would be a good fit given that it seems to meet the priorities of the city. She continued by saying it would be useful to know if in streamlining the program gets it close to cost recovery.

Council Member Plass supports the program but is worried that if the department tries to do a true cost recovery it will discourage people.

Council Member Ageton agreed with Council Member Plass and was surprised about the number of non-profits using the system. Her request is to continue to monitor the level of visitation by non-profits and for-profit organizations. She is confident if staff sees any impacts they will bring it to the OSBT.

## **PRESENTATION**

Kacey French, Environmental Planner, provided City Council and the OSBT with a presentation on the Pilot Parking Program.

**Pilot Parking Fee Program:**

Staff implemented a pilot parking fee program based on direction given by the City Council and OSBT at a joint study session. Non-resident visitors (visitors with vehicles registered outside of Boulder County) were required to pay a parking fee at the Flatirons Vista, Doudy Draw, and South Mesa Trailheads.

**Program goals:**

1. Ensure that all visitors contribute to the financial support of the City of Boulder’s Open Space Program.
2. Reduce parking demand.

**Recommendation:** Suspend the Pilot Parking Fee Program – retain the infrastructure to allow for the opportunity for all visitors to voluntarily contribute.

- Likely that collectively out-of-county visitors contribute an amount of sales tax revenue roughly equivalent to their level of visitation.
- Frequent visitors are unlikely to contribute an amount of sales tax revenue equivalent to their level of visitation and out-of-county visitors generally visit infrequently.
- Given the constraints of charging a fee for parking on the OSMP system it is not an effective tool to manage parking demand.
- Carrying Capacity/sustainability concerns are best addressed by targeting specific visitor behaviors.
- Anecdotal information suggests that City of Boulder and Boulder County residents visit other open space jurisdictions.
- OSMP seeks to be inclusive in the services and facilities it provides – fees can have a disproportionately high effect on people with relatively lower income.
- OSBT – Desire to focus on activities that cause the greatest impact, such as off-leash dogs. A substantial fee differential for the Voice and Sight Tag Program would be a more direct way to address impacts and stresses to the OSMP system by out-of-county visitors than charging a fee for parking.

**COUNCIL QUESTIONS/COMMENTS:**

Council Member Jones asked about the parking at Flagstaff Summit. Kacey French said that the fee program was existing and not included in the Pilot Parking Program and therefore not included in the evaluation. Mike Patton said there are not many parking alternatives on Flagstaff and in the areas staff looked at, they wanted to be careful not to force users from parking lots into neighborhoods. Mike continued by saying that rangers are currently used for enforcement, but if the department was to continue the program it would have to use something that is more cost effective.

Council Member Wilson asked how staff determined that the out-of-county visitors using the southern trailheads drive into the city to spend money. Kacey French explained the evaluation was not suggesting that each individual visitor was spending the amount of money necessary to generate the sales tax revenue to support their visits to OSMP. She said the analysis in the evaluation tried to convey that collectively, as a group, out-of-county visitors generate an amount of sales tax revenue roughly equivalent to their system-wide level of visitation. Council Member Wilson said he found it hard to believe that people using those trailheads would come to town and spend money.

Deputy Mayor Morzel asked if there was any discussion on parking expansion and anticipated parking needs by the OSBT. John Putnam said the OSBT talked about it during the West Trail Study Area (WTSA) process. He said the sense is that additional parking will not be built; the challenge is finding a long-term access strategy using transit, biking etc. He continued by saying part of the OSBT’s recommendation on this issue was to think about it more holistically as access to Open Space and as part of a long-range sustainability vision. Mike Patton added there will be bike racks at access points by summer of 2013. Frances Hartogh noted that she was the only OSBT member to vote for keeping the program and thought the department should tweak the program instead of stopping it. She added that people get used to changes and will get used to paying the fee and recognize the value of Open Space.

Deputy Mayor Morzel asked if people would be reimbursed for the 2012 parking permits if the program were to be discontinued. Kacey French explained that the permits are also valid for the Flagstaff area and that the program will not stop before the end of 2012 which is when parking permits expire.

Council Member Ageton said that parking demand is a large and relevant issue and wonders if council should rethink the issue; what should be achieved and also get clearer about the goals.

Council Member Cowles said he was impressed with the OSBT's discussion on long-term sustainability and there may be a time in the future when the city would have to ration access to Open Space. He was persuaded by the discussion that the city should be concerned about impacts to resources and conflict problems.

Council Member Jones said she would like to try the voluntary program and added staff should figure out signage to invite people to become an Open Space patron.

Council Member Karakehian said he liked the idea of the voluntary program and talked about placing signs to encourage visitors to shop in Boulder. Mike Patton said the department created a sign to shop in Boulder in 2003 and OSMP still gets requests from merchants to get a copy of the sign. Council Member Karakehian said it is one of the most requested images and would like Mike to send it out to people; Mike said he will do that.

Council Member Wilson commented he would keep the Pilot Parking Program on the southern trailheads but he said he is not sure how to manage it in the future. He also said he would defer to OSBT on this issue.

Mayor Appelbaum said he would keep the program, and it is inevitable that people will be charged to use Open Space; the city will have to find a way to make logistics work eventually. He said it is random to do this at some locations due to the geography of the system and cannot dismiss Flagstaff so easily; the same arguments also apply there. Mayor Appelbaum suggested looking at the Dry Creek area as part of the voluntary program. He added that he has a problem with fairness of access for visitors; there are no practical means other than driving to get to all the trailheads one does not live near Open Space. Mayor Appelbaum also said he thought parking for the South Mesa and Doudy Draw Trailheads should be allowed along Eldorado Springs Drive.

Council Member Plass supported staff's recommendation and liked the idea of the voluntary contributions. He thought it would be appropriate to ask people to patronize Boulder businesses.

Deputy Mayor Morzel said she would keep the Pilot Parking Program, but would go along with the others; she liked the voluntary program as well and agreed with Mayor Appelbaum that eventually the OSMP department will have to charge people to use Open Space. She is interested in knowing how the department addresses parking conflicts and demand issues at trailheads with not enough parking.

Council Member Cowles said to go to a fee parking system has so many issues associated with it especially for the neighborhoods that are impacted. He sees more impacts to Open Space occur in other ways however, and does not want his remarks to be interpreted as taking parking permanently off the table; it is important to think about. He added that one of the things to do is to get the Skip bus to allow dogs, as they service a lot of Open Space areas.

Mayor Appelbaum commented that in general, council is in agreement to suspend the Pilot Parking Program, but it will come back to City Council to vote on.

## **PRESENTATION**

Steve Armstead, Environmental Planner, provided City Council and the OSBT with a presentation on the Voice and Sight Tag Program.

**Purpose:** Increase dog guardians' awareness of voice and sight control to improve compliance and reduce dog-related conflict and resource impacts

### **Key Study Session Issues:**

1. The types and numbers of violations that cause loss of privileges.
2. Measures and standards to guide adaptive management.

OSBT and Staff Recommendation:

### Prerequisite Options

- Require attendance of an information session.

## Core Options

- Require basic rabies vaccination information or Boulder dog license for the Voice and Sight Tag Program and all dogs to display vaccination tag on OSMP properties.
- A package of specified education strategies.
- Violation consequences:
  - Increase fines for not having a Voice and Sight tag: \$50, \$100, and \$200 to \$100, \$200, and \$300.
  - Increase fines for voice and sight control and off-leash offenses by the same amount.
  - Additional consequences including attending the information session, dog training, or community service.
  - Revocation with one conviction for 1) Aggressive Animal Prohibited and 2) Failure to Protect Wildlife or Livestock.
  - Revocation with two convictions in two years for specified (*all*) other dog-related violations. OSBT and Staff Recommendations are slightly different, staff recommends “for all” other dog-related violations.
- Administrative Strategies
  - A new three-tiered registration fee based upon residency:
    - City of Boulder
    - Boulder County
    - Outside Boulder County
  - An annual renewal with non-city residents paying a significantly higher fee.
- Determine on-trail requirements through the overarching issue on-trail policy review
- Do not limit program access by residency, manage through differential fees

## **COUNCIL QUESTIONS/COMMENTS:**

Council Member Cowles said braided trails are a problem in the northern part of the system and said one of the problems with them, in addition to erosion, is it pushes out the human impact on wildlife further out from trails. He said he did not see in the evaluation information with the use of ball chucker’s, frisbees and other items thrown from the trail for dogs to chase. Council Member Cowles asked if staff thought it was an important issue to be addressed. Mike Patton said staff did not specifically discuss ball chucker’s, but braided/parallel trails attributed to dogs are an issue. He added it is probably more of an overarching issue of compliance. Council Member Cowles suggested the retrieving action of dogs should be limited to parks and not allowed on Open Space.

Mayor Appelbaum recommended that council sequentially go through the recommendations to organize the discussion.

## **Recommendations:**

1. **Require all program participants attend an information session** – Council Member Morzel asked if the options in the evaluation would apply to everyone when they re-apply for a tag. Steve Armstead said there will be a requirement for everyone to attend an information session, but the department may allow a grace period for the current participants; new participants would have to take the class when the requirement is implemented. Council Member Cowles asked why staff would require an information session for the 14 percent of people that do not know about the tag program; the issue is with compliance, not knowing about the program. Steve Armstead said people may know about voice and sight control, but it is very detailed and there needs to be an understanding of the challenges in the system such as trails that wind in and out of important wildlife areas. The information session will provide an opportunity for questions and information about training opportunities.

Council Member Jones said it could help to clarify the expectations.

Deputy Mayor Morzel said there are approximately 25 thousand participants in the program and asked if staff discussed how to get those participants to an information session. Mike Patton said staff talked at length about it and how to manage that amount of people; it will take some effort, but it is worth it. Shelley Dunbar added that Friends Interested in Dogs on Open Space (FIDOS) agreed with adding the information session.

Council Member Plass asked if it would be a one-time thing or would there be refresher courses. Steve Armstead said there could be a requirement for a refresher, but it would not be part of the annual renewal. Council Member Jones commented that there could be an online test as part of a refresher. Mike said it is doable.

Mayor Appelbaum talked about the proportionality issue – it needs to be put in perspective and said that people who violate the rules should have to do something. He also suggested making the video more real and focus on what is important.

Council Member Plass suggested to send out informational emails to make participants aware of any issues instead of having renewal information sessions.

2. **Require that dogs managed under voice and sight control will be registered in the program only if proof of current rabies vaccination/City of Boulder dog license is provided** – Deputy Mayor Morzel asked if people will be able to get all the tags in one place. Mike Patton said that is the expectation. Deputy Mayor Morzel then asked about the option for the one year or three year license. Mike said staff is struggling with that complexity. Allyn Feinberg said that the department needs to make sure to have up-to-date information on the tag holders.

Council Member Jones asked if the tags would show the valid dates. Mike said the tags would probably be a different color each time a participant renews.

Deputy Mayor Morzel said staff would have to make the tag related to the dog now instead of guardian. Steve Armstead confirmed that tags would be associated with a specific dog.

Council Member Jones said it sounded like everyone is in agreement with the vaccinations but the three year gap is big and the department should not lose track of people for three years.

Mayor Appelbaum said one of the advantages of a city resident should be that they are able to get a three year dog license and also a three year voice and sight tag; it should be a benefit for a city resident.

Council Member Ageton agreed with the concept and said that is a way to reward city residents for participating and paying for the program.

3. **Additional education and outreach strategies as recommended** – John Putnam said this item is one that attracted less controversy, but has an impact and is critically important.

Council Member Wilson agreed with John Putnam and said the big problem is there are people who should not have a voice and sight tag. He said it would be helpful to get the dog community to help solve the problem; it is a big issue and is important to get community support.

Mayor Appelbaum said the department needs to do a better job with signage – the current signage is confusing and it is easy to miss the signs.

Deputy Mayor Morzel said there needs to be uniformity at all trailheads and one should not find different signs in different places; sometimes it is not clear.

Council Member Ageton liked the idea of providing areas on OSMP where voice and sight control training could be allowed and said it is a proactive thing to do. Mike said the department has hired and worked with dog trainers to offer programs designed to work with guardians on voice and sight control. He said this is still more a concept, not a plan.

Council Member Ageton said she understood it to be an opportunity for Open Space to be proactive and engage people in helping with people who need it.

Council Member Cowles wanted to know what the advantage is to having training on Open Space verses at dog parks.

Mayor Appelbaum concluded that council is on board with this recommendation pending a few changes.

4. **Fines for B.R.C. 6-13-2 Voice and Sight Evidence Tag Required are increased to \$100, \$200, and \$300 (minimum) for first, second, and third or more convictions** – Council Member Ageton said she interpreted the recommendation as a minimum fine for a first conviction to be \$100 and the judge does not have discretion to change that if the statute is written in that way. Council was confused in the wording for the recommended change and after discussion and reviewing the current code, it was decided that the intent of the motion is that the wording of the code will remain the same as a maximum fine for the first and second offenses and a minimum for the third offense, but the fine amounts would change.

Council Member Ageton asked if there would be a possibility for dismissal if there is an inadvertent failure to display a tag; this was not clear. She wanted to know if an affirmative defense to the statute would be added. Allyn Feinberg said the tag is required to be displayed, but there was discussion about people who have it but do not have it with them at the time. The OSBT's discussion suggested the judge have the discretion to take into account that maybe the tag fell off or was forgotten etc. Council Member Ageton said if that was the case, the offender should not be ticketed; should a person who forgot or lost their tag be punished in the same way as people who did not register. Steve Armstead said rangers cannot always verify a participant has a tag at the time of the occurrence.

Council Member Karakehian clarified if a participant does not have a tag they should be ticketed. He is concerned that a lot of people will not display tags; it leaves a big hole in the system.

Mayor Appelbaum said dogs should have their tags and to not leave it up to the rangers to verify.

Council Member Ageton asked if council was in agreement with the fine increases; she is uncomfortable with the increase. Council Member Ageton then asked if increasing enforcement could be another strategy.

Council Member Cowles commented that the fine in Denver is \$250 for first violation, \$500 for second, and \$750 for third and felt our fines were trivial comparatively. Allyn Feinberg said in the discussion of current fines, they seem to be too low for the impact to the system. She said along with a variety of efforts to change behavior, fines needed to be raised enough to get the participants attention.

Mayor Appelbaum recommended at some point the department needs to keep proportionality in consideration.

5. **a. Revocation of program privileges will occur with one conviction of Aggressive Animal Prohibited (B.R.C. 6-1-20) or Failure to Protect Wildlife (or livestock) ( B.R.C. 8-3-5). This revocation is applicable to dog and/or dog guardian. Include a clear path for reinstatement of privileges.** Council Member Ageton asked staff to talk about the variety of actions that fall under offenses a participant could be charged for. She wanted to know if having a fixed outcome for all revocation events would be reasonable. Mike Patton said the majority of revocations that have been applied by the courts were for an aggressive dog and staff does not have much experience with participants who have had their tag revoked for any other reason, but there have been some. Steve Armstead explained some of the offenses are severe situations such as, a dog attacks a person or has bitten someone, or attacked another dog, and even where a dog kills another dog.

Council Member Plass referred to the "failure to protect" and asked what would happen if the dog is off-leash and chases a squirrel up a tree – does that fall under ranger discretion. Steve Armstead said yes, it could fall under ranger discretion. Frances Hartogh said she is an advocate for wildlife and the effect of wildlife and dogs and said wildlife has been chased away by dogs. She added that if a dog chases a squirrel, the dog loses their tag, but not their privilege to use the trail. Steve Armstead said the outcome is dependent upon a conviction.

Council Member Ageton suggested changing the word from "will" to "may." She said there is a wide variety of behaviors and is worried about being fair.

Council Member Wilson said here are dogs that should not have voice and sight privileges. He also felt ranger discretion should be used. John Putnam said this violation is already on the books and are serious offenses. He

continued by saying that in terms of proportionality, the OSBT discussed it and in looking at the user surveys, dog related issues are the number one user conflict issue on the system; bikes are close behind and it does justify some attention to this user group. The department should not go overboard and be unfair, but it warrants some attention.

Mayor Appelbaum concluded that council is in agreement with 5a. as long as it is done fairly.

Council Member Ageton added that when it comes back to council, they need to see what the clear path for reinstatement will be.

- b. Revocation of program privileges will occur with two convictions in two years for specified other dog-related violations on OSMP property. Include a clear path for reinstatement of privileges.** Council Member Jones wanted clarification on “specified” other dog-related violations. John Putnam said there was a distinction between having a leash with you verses having the dog stray so far away that one does not have control. He said if a dog-guardian gets caught twice in two years there may be a pattern. He said the participant should go through a process to demonstrate the privilege could be managed; the OSBT did not specify what that list would be. He went on to say the majority of the OSBT felt there should be some differentiation.

Mayor Appelbaum said he agreed with Council Member Wilson to get out of control dogs on leash; the path way back is to perform a test. Mayor Appelbaum said he is concerned about this item. John Putnam asked if the OSBT should work on this item more. Members of council said yes.

Council Member Jones said to differentiate the human behavior verses dog behavior.

- 6. Encourage courts to order such additions to fines as watching the voice and sight video, attending the voice and sight information session, dog training, and/or demonstration testing for egregious or repeat dog-related violations consistent with the nature of the violation. In particular, community service for dog poop violations.** Council Member Plass said the word “encourage” (opposed to mandate) is important as the judge needs to have discretion to look at the circumstances and determine the appropriate remedy.
- 7. Modify the program registration process and fees to include a graduated initial fee and annual renewal for residents of the city, residents of the county, and non-county residents. The annual renewal fee for non-city residents will be significantly higher.**

Council Member Plass asked if there were legal constraints on how the fees are set and is there a limit. Mike Patton said staff is not aware of any constraints.

Council Member Jones asked if staff would increase the \$15 registration fee. Steve Armstead said it could be considered but staff has not specifically talked about it.

Council Member Cowles said he favored the tiered fees, but would like staff and OSBT to have a testing program for out-of-county participants to prove their dog is compliant.

Mayor Appelbaum said that is one of the bigger issue questions, but it is a little different of an issue than what is in front of council.

Council Member Ageton said she would like to see the recommendations as the proportionality issue continues to come up. Council Member Ageton also said she would like to see conversations with the neighboring jurisdictions about dogs off-leash and asked if staff has had those types of conversations. Mike Patton said there is no interest in having dogs off-leash in other jurisdictions.

Mayor Appelbaum said any change to the program will be a big change for people and asked what the general fee level would be and how staff will handle renewals. John Putnam said the OSBT had a discussion based on staff recommendations. John continued by saying the OSBT was not comfortable with the recommended numbers not knowing if that would be the fee each year and not knowing what the overall cost structure would be. Tom Isaacson added that the parking fee is \$25 a year for out-of-county residents and thought that might be an appropriate amount for those participants to participate in the Voice and Sight Program.

Mayor Appelbaum recommended this item needs more analysis to deal with the cost issue.

Council Member Ageton said there needs to be a logic and structure.

Mayor Appelbaum wants to give city residents a convenience break by keeping the Voice and Sight tag aligned with the city dog license time frame. He continued by saying this is the sole user group that pays to access Open Space, but not the only user group that causes problems. Mayor Appelbaum continued by saying people rightfully complain about dog poop, but yet the city does not do anything to make it easier for guardians.

Council Member Plass said if more receptacles were placed along the trail in strategic places it would change the qualities and character of the trail.

Deputy Mayor Morzel said it would be important for the OSBT to find out the cost of composting, and would like to see what programs could be put in place and the fees that would be associated.

Council Member Cowles said that \$25 per year does not make sense; parking is worth more than \$25. He said participants outside of the county should pay a much larger fee as the Voice and Sight Program puts a huge strain on the system and people from other jurisdictions would pay more than \$25 to participate in this program.

Council Member Plass said that higher differential fees will limit the use by the out-of-county people. The counter action is not making costs so high that out-of-city people use the system without being a participant of the program; there has to be a balance.

8. **Adaptive management and monitoring program, to evaluate program success, will be developed prior to implementation of the Voice and Sight Program changes.** Council Member Ageton said the department should be doing this but council needs to see something different from the compliance measures that were used for the assessment. She does not like the general terms and would like to see clear articulation of what the monitoring would be.

Council Member Ageton added she is in favor of monitoring and adaptive management.

Mayor Appelbaum also shared concern with the monitoring used for the assessment. Mark Gershman suggested it would be helpful to staff that council members share their specific concerns. John Putnam also asked for clear guidance for the OSBT for their discussion.

Council Member Ageton said if one of the goals is long-term in looking at the pressures on the system and trying to reduce use, that is a very different goal than what is currently stated for this program; it would require different measurements, monitoring, and assessment. Is OSMP trying to provide a particular user group experience and make sure they are in compliance with a set of rules around that or is the department trying to move toward limiting certain uses on the system; she needs to know what the objectives are.

### **Broader Overarching Issue Recommendations.**

Mayor Appelbaum wanted to cover the broader Overarching Issue options:

**On-Trail** – Determine on-trail requirement through the Overarching Issue on-trail policy review

**Residency** – Do not limit program access by residency, managed through differential fees.

Mayor Appelbaum asked the OSBT if they spent time talking about these issues. Frances Hartogh said there is a lot of room for individual discretion about traveling off-trail and the damage that has been done to the system may not be repairable. If there was an on-trail or trail corridor requirement, there would be guidance to people; leaving it up to people's discretion is not working.

Deputy Mayor Morzel said there is a lot of impact with dogs going off-trail. There is a cost with off-trail activities and the widening of trails including trail restoration, erosion, re-vegetation, and impacts of wildlife. Deputy Mayor Morzel wants this issue addressed sooner rather than later.

Mayor Appelbaum feels residents come first; if the department has to give reduced flexibility to non-residents, then that may be what happens. Mayor Appelbaum said in reference to voice and sight on-trail corridors or corridors, dogs do not create social trails, people do; it should be looked at and phased in.

Council Member Wilson said he hopes that violations with seasonal dog restrictions would be in the major violation category and thought the department should engage the dog community to help.

Deputy Mayor Morzel said OSMP is targeting a single use group and thinks everybody could improve their behavior on Open Space. Deputy Mayor Morzel wanted to know if there was a brochure to provide helpful hints to users of Open Space; there should be discussion on basic etiquette.

Council Member Karakehian said he does not have a problem with a tiered approach for fees, but it seems the department should not forget the residents; they are the ones who pay the majority of sales tax. Council Member Karakehian also said he does not have a problem with charging more for out-of-county residents referring to on-trail corridor, and has not seen much damage that dogs have done off-trail on Open Space and does not want too many rules.

Adjourn 9:55 pm

*These draft minutes were prepared by Michele Gonzales*



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE:** Consideration of a motion to approve an Intergovernmental Agreement between the City of Boulder, City of Longmont, and Boulder County for participation in the Boulder County Hazardous Material Response Plan.

**PRESENTERS**

Jane S. Brautigam, City Manager  
Larry D. Donner, Fire Chief

**EXECUTIVE SUMMARY**

The purpose of this Intergovernmental Agreement (IGA) is to renew an existing IGA for participation in the Boulder County Hazardous Material Response Task Force, which provides hazardous material response that meets the needs of Boulder County and the political subdivisions located therein.

The IGA establishes the guidelines for Boulder County support of the Hazardous Material Response Teams operated by the Boulder Fire Department and the Longmont Fire Department and describes the general guidelines for team responses.

**STAFF RECOMMENDATION**

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

Motion to authorize the city manager to enter into an Intergovernmental Agreement between the City of Boulder, City of Longmont, and Boulder County for participation in the Boulder County Hazardous Material Response Plan.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic – No direct economic impact is anticipated.
- Environmental – An effective hazardous material response can reduce or eliminate damage to the environment caused by the accidental release of hazardous materials into the environment.
- Social – No social impacts are anticipated.

## **OTHER IMPACTS**

- Fiscal – The IGA allows Boulder County to contribute toward the operating expenses of the Fire Department’s Hazardous Materials Response Team. The IGA also specifies how Boulder will be reimbursed for prolonged hazardous materials responses into the County.
- Staff time - Any staff time beyond the normal work plan is reimbursed to Boulder by the County under the IGA.

## **BACKGROUND**

Under Colorado statutes, the governing body of every town, city, and county is mandated to designate, by ordinance or resolution, an emergency response authority for hazardous substance incidents occurring within the corporate limits and unincorporated areas of the state. The Boulder Fire Department is the Designated Emergency Response Authority (DERA) for the City of Boulder. The Longmont Fire Department is the DERA for the City of Longmont, and the Sheriff is the DERA for the unincorporated areas within the County.

Currently, the cities of Boulder and Longmont provide assistance to the Sheriff in unincorporated areas under an existing IGA. This IGA formalizes the relationships and provides limited ongoing County funding to the cities of Boulder and Longmont to cover overhead expenses associated with hazardous material responses. It also spells out County reimbursement to the cities for extended hazardous material operations when required. Over the past five years, the IGA has worked well.

The County pays a portion of overhead expenses to both cities based on the percentage of Boulder County’s population living in unincorporated areas. This money is divided evenly between the two cities. This year, Boulder received approximately \$30,000.

The existing IGA expires Dec. 31, 2012.

## **ANALYSIS**

The number of incidents in unincorporated Boulder County does not justify the expenditures associated with the maintenance of an independent hazardous materials response team for the County. The use of Boulder’s hazardous material response team in unincorporated Boulder County has been infrequent.

Because the cities of Boulder and Longmont both maintain hazardous material response teams, and have a long history of mutual aid and cooperation, it is logical to use these existing teams to provide service to unincorporated Boulder County.

## **MATRIX OF OPTIONS**

City Council may:

1. Approve the IGA
2. Reject the IGA.

## **ATTACHMENTS**

A - Proposed IGA

INTERGOVERNMENTAL AGREEMENT  
FOR PARTICIPATION IN THE  
BOULDER COUNTY HAZARDOUS MATERIAL  
RESPONSE PLAN

Between

**BOULDER COUNTY, COLORADO**

**CITY OF LONGMONT, COLORADO**

**CITY OF BOULDER, COLORADO**

In accordance with

Colorado Statutes/Title 29 Government-Local/Hazardous Substance Incidents/Article 22  
Hazardous Substance Incidents/29-22-1 02.

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2012 by and between Boulder County, a body political and corporate, through the Boulder County Sheriff's Office, the City of Longmont and the City of Boulder, both municipal corporations.

**WHEREAS**, the parties are authorized to enter into Intergovernmental Agreements pursuant to C.R.S. §29-1-203; and

**WHEREAS**, pursuant to C.R.S. §29-1-202 (3) (a-b), the Sheriff is the Designated Emergency Response Authority for hazardous substance incidents within the unincorporated areas of the County; and

**WHEREAS**, C.R.S. §29-22-103 (1) & (3) permits the Sheriff to request assistance and enter into agreements for the purpose of enhancing the response to hazardous substance incidents; and

**WHEREAS**, the parties are desirous of entering into an agreement to form a Hazardous Materials Response Task Force to address hazardous substance incidents within Boulder County; and

**WHEREAS**, the interests of the public are best served by the parties entering into such an agreement for the purpose of responding to a hazardous substance incident.

**NOW, THEREFORE**, The County of Boulder, through its Sheriff's Office; the City of Boulder, through its Fire Department; and the City of Longmont, through its Fire Department agree as follows:

## **I. Purpose**

The purpose of this Intergovernmental Agreement for participation in the Boulder County Hazardous Material Response Task Force is to establish a hazardous materials response plan that meets the needs of Boulder County and the political subdivisions located therein; establish the guidelines for supporting the Haz-Mat Response Teams operated by the Boulder Fire Department (BFD) and the Longmont Fire Department (LFD); and describe the general guidelines for team responses.

## **II. Effective Date**

The operational aspects of this Agreement shall be effective as of the date it has been fully executed by all Parties. The funding component of the agreement shall be effective January 1, 2013, provided the three jurisdictions involved meet the budget requirements described herein. The Agreement shall continue for a term of five years unless either party elects to terminate the Agreement at the end of an agreement year. An agreement year is January 1 through December 31 of each year.

### **III. Governance**

A four person Board of Directors (BOD) shall govern the Agreement. The BOD shall consist of the Boulder Fire Chief, Longmont Fire Chief, the Environmental Health Division Manager for the Boulder County Public Health Department, and the Boulder County Sheriff. The BOD shall meet at least once annually for the purpose of reviewing funding, team capabilities and response guidelines. Additional meetings may be requested by any BOD member to address issues that may arise.

### **IV. Funding**

In order to maintain adequate hazardous materials response capability, both the BFD and LFD must have funding to enable their respective teams to operate in a safe and efficient manner. It is imperative that the funding be sufficient to provide for the human and material resources needed to meet the demands of hazardous material response. Appropriate training is critical in safely mitigating hazardous material threats, and funds will be dedicated for this purpose.

Boulder County will contribute to the operating expenses of the two teams based on population percentage figures of unincorporated Boulder County. The BOD will periodically review the census figures in order to adjust the percentage when necessary. Initially, the percentage will be 20% of the proposed operating budget for the unincorporated areas of Boulder County. The Sheriff of Boulder County will ensure that county funds are split equally between Longmont Fire and Boulder Fire. The City of Longmont and The City of Boulder will continue funding their respective teams through traditional city budgeting processes. The BOD will be responsible for reviewing and approving budget requests from the teams in order to establish the county's portion. The BOD members will then be responsible for submitting the budget requests to their respective jurisdictions during the annual budget cycle. The Haz-Mat Response Team Leader for each team will be responsible for submitting funding requirements before the midterm meeting of the BOD.

It is imperative that each Party meets their specified funding obligations in order to maintain the hazardous materials response capability required countywide. Should a jurisdiction's funding fall short, the BOD will attempt to resolve the issue to ensure the Task Force's needs are met. This agreement does not preclude either the City of Longmont or the City of Boulder from funding their respective teams as deemed necessary by that jurisdiction.

Each team may enter into other intergovernmental "retainer" agreements with other political subdivisions within Boulder County to perform hazardous materials response for that jurisdiction. Should either team enter into such an agreement those funds will remain with that team's city for use by that team. These funds will not offset the budget responsibility of each Party.

Additionally, funds will be collected from billing private entities responsible for reimbursable hazardous material spills, as permitted by C.R.S. §29-22-104. Each municipality within Boulder County is responsible for billing private entities responsible for an incident

occurring within their jurisdiction. Boulder County will be responsible for billing entities for incidents occurring in the unincorporated county and collecting the assessment. Funds received by the county will be returned to the respective team that performed the response. Joint responses, with both LFD and BFD involved, will be split between the two Parties based on their participation. The two team leaders will be responsible for determining and agreeing upon the expenses and each team will be reimbursed for their documented costs submitted to Boulder County. Team expenses relative to joint responses must be submitted together in order for the private entity to be billed accurately by the County.

The initial response to a non-reimbursable hazardous materials incident shall be considered 4 hours, excluding travel time. Should an incident occur in the Boulder County unincorporated area that necessitates a prolonged response (over 4 hours) by either or both teams, the county will be obligated to reimburse the team(s) for the costs over the initial response period. Furthermore, in hazardous material incidents where the resources of both Boulder Fire and Longmont Fire are unavailable or have been exhausted, it may be necessary to activate mutual aid agreements with departments not mentioned in this agreement. The County will be responsible for these costs related to the reimbursement of the jurisdiction that provided the mutual aid support to address the hazardous material incident(s).

## **V. Operations**

The Boulder County Sheriff will remain the Designated Emergency Response Authority (DERA) for the unincorporated areas of Boulder County; however, the Sheriff shall designate the Boulder County Hazardous Materials Task Force as the response entity.

Both the BFD Haz-Mat team and the LFD Haz-Mat team will have the authority and be available to respond to incidents in all areas of Boulder County. Generally, the BFD team will be responsible for the area south of Highway 52, west to Niwot/Neva roads and Left Hand Canyon road in the mountains. LFD's team will be responsible for everything north of that dividing boundary.

Regardless of the geographic areas of responsibility, the teams will work cooperatively and provide mutual support when the human and material resources available to handle the incident are beyond the capacity of the designated team for that geographical area. Both teams will have the authority to act as the Designated Emergency Response Authority (DERA) for Boulder County as outlined in this Intergovernmental Agreement.

The Task Force will be responsible for responding to hazardous material incidents in the unincorporated areas of Boulder County, which are beyond the technical expertise and resources of the local fire districts. Therefore, it is essential that both teams maintain a trained staff certified at the Colorado Technician level. The BOD will review the team status at the biannual meetings to ensure that the staffing level is appropriate for the mission and remains reasonably consistent between the two teams. Nothing in this Intergovernmental Agreement prohibits the Longmont and Boulder teams from adding members to their respective teams that are outside their departments. However, adding external team members will be done as a mutual agreement

between LFD, BFD and the outside departments and will not impact the County's agreement under the IGA.

## **VI. Indemnification**

Each Party agrees to be responsible for its own negligent actions or omissions, and those of its officers, agents and employees in the performance or failure to perform work under this Agreement. By agreeing to this provision, the Parties do not waive or intend to waive, as to any person not a party to the Agreement, the limitations on liability which are provided to the County, Probation and Public Health under the Colorado Governmental Immunity Act, §24-10-101, etq., C.R.S.

## **VII. Insurance Requirements**

The Parties shall at all times during the term of this contract maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities.

## **VIII. Independent Contractors**

The Parties recognize and agree that the Parties receiving funds are independent contractors for all purposes; both legal and practical, in performing services under this Agreement, and that they and their agents and employees are not agents or employees of the County for any purpose. As an independent, contractor, each Party receiving funds shall be responsible for employing and directing such personnel and agents as it requires to perform the services hereunder, shall exercise complete authority over its personnel and agents, and shall be fully responsible for their actions.

**Each Party receiving funds acknowledges that it is not entitled to unemployment insurance benefits or worker's compensation benefits from Boulder County, its elected officials, agents, or any program administered or funded by Boulder County. Each Party receiving funds shall be entitled to unemployment insurance or worker's compensation insurance only if unemployment compensation coverage or worker's compensation coverage is provided by that Party, or some other entity that is not party to this contract. Each Party receiving funds is obligated to pay federal and state income tax on any monies earned pursuant to the contract relationship.**

## **IX. Amendments**

This Contract may be altered, amended or repealed only on the mutual agreement of the County and the Contractor by a duly executed written instrument.

**In WITNESS WHEREOF, the Parties have executed this Agreement on the date first written above.**

**COUNTY OF BOULDER  
STATE OF COLORADO**

**ATTEST:** \_\_\_\_\_  
Administrative Deputy  
to the Board

\_\_\_\_\_  
Cindy Domenico, Chair  
Board of County Commissioners

Date: \_\_\_\_\_

**BOULDER Co. SHERIFF**

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
County Attorney's Office

\_\_\_\_\_  
Joseph K. Pelle  
  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

**Boulder Co. Public Health  
Department, Environmental  
Health Division, Mgr**

\_\_\_\_\_  
Jeff Zayach  
  
Date: \_\_\_\_\_

**CITY OF BOULDER**

ATTEST:  
  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager  
Jane Brautigam

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney's Office

CITY OF LONGMONT

APPROVED AS TO CONTENT

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Fire Chief

APPROVED AS TO FORM

APPROVED AS TO INSURANCE  
PROVISIONS

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Risk Manager

\_\_\_\_\_  
Proofread

\_\_\_\_\_  
Date

State of Colorado     )  
                                  ) ss.  
City of Boulder         )

I attest that the foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, by \_\_\_\_\_, as the Mayor of the City of Longmont.

Witness my hand and official seal.

\_\_\_\_\_  
City Clerk

Notary Public, State of Colorado

My commission expires: \_\_\_\_\_



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE: Consideration of a motion to approve retroactive vacation accrual for Judge Cooke**

**PRESENTER/S**

Ken Wilson and George Karakehian, City Council Evaluation Coordinators

**EXECUTIVE SUMMARY**

In accordance with action taken during the November 15, 2012 Council Meeting, all three Council employees were granted the same vacation accruals as City Directors. This change, like their pay increase was retroactive to the beginning of the pay period in which July 1 fell, (June 25).

The change in City Directors' accruals was implemented in May 2009 and Judge Cooke has requested her vacation bank be adjusted by adding the additional hours had she begun to accrue at the higher level in 2009.

Attachment A shows the changes in accruals. Based on the difference in accruals between May 2009 and June 25, 2012, when the accruals were adjusted, an additional 148 hours would be added to her vacation leave bank, (approximately 18.5 days).

**EVALUATION COMMITTEE RECOMMENDATION**

**Suggested Motion Language:**

Motion to adjust Judge Cooke's vacation bank with an additional 148 hours.

## **OTHER IMPACTS**

- Equity with the two other Council employees was reviewed and no additional adjustments are needed since neither the City Manager nor the City Attorney had four years of service as of the effective date of this change (June 25).

## **ANALYSIS**

As stated in the Council meeting of November 15, Council wanted to ensure Judge Cooke, who has been with the City since 2001 was not adversely impacted. Providing her with additional hours is not only aligned with the other City Directors, but also demonstrates her value to the City and Council's desire to retain her.

**ATTACHMENT A**

**Vacation Accrual Rates**

The following charts show:

- Accrual rates in the current Vacation Policy for positions lower than the department head level.
- Accrual rates for positions at the department head level or higher. The code for this rate is “Vacation Accrual Director-MGMT”.

**Vacation Accrual Chart (for employees at a level lower than department heads)**

<b>Accrual Rate Based on Years of Continuous Service Completed</b>		
<b>Length of Service (in years)</b>	<b>Hours per Pay Period</b>	<b>Approximate 8-Hour Days per Year</b>
<b>Less than 2</b>	<b>3.39</b>	<b>11</b>
<b>At least 2 and less than 5</b>	<b>5.24</b>	<b>17</b>
<b>At least 5 and less than 14</b>	<b>7.08</b>	<b>23</b>
<b>14 or more</b>	<b>8.93</b>	<b>29</b>

**Vacation Accrual Chart (for employees at the department head level or higher)**

<b>Accrual Rate Based on “Vacation Accrual Director — MGMT” Code</b>		
<b>Length of Service (in years)</b>	<b>Hours per Pay Period</b>	<b>Approximate 8-Hour Days per Year</b>
<b>Less than 4</b>	<b>7.08</b>	<b>23</b>
<b>4 or more</b>	<b>8.93</b>	<b>29</b>



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE:** December 18, 2012

**AGENDA TITLE:** Consideration of a motion to adopt a resolution declaring the intent of the City of Boulder, Colorado to authorize the city to execute a certificate approving the issuance of bonds by the Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing Partners using 2011 private activity bond volume cap in connection with financing residential facilities for low and moderate income families and persons.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Jeff Yegian, Acting Manager, Division of Housing

**EXECUTIVE SUMMARY**

Annually, the city is allocated the authority to issue Private Activity Bonds (PABs), which are a financing tool for affordable housing and community development projects. In 2011, the city assigned its 2011 PAB allocation to Boulder Housing Partners (BHP) to support the renovation and possible expansion of its affordable housing portfolio. BHP intends to use the city's assigned PAB allocation along with its own 2011 PAB allocation to issue bonds financing the development of 59 units of affordable rental senior housing. This resolution is necessary for BHP to be able to issue the bonds.

**STAFF RECOMMENDATION**

Staff recommends approval of the attached resolution.

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

Motion to adopt a Resolution declaring the intent of the City of Boulder, Colorado to authorize the city to execute a certificate approving the issuance of bonds by the Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing

Partners using 2011 private activity bond volume cap in connection with financing residential facilities for low and moderate income families and persons.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic – Construction of the housing will generate more than \$9 million in economic activity and, through the low-income housing tax credits associated with the PABs, will bring approximately \$4 million in equity in support of the community’s affordable housing goal.
- Environmental – N/A
- Social – This financing resource reduces BHP’s borrowing costs and improves its ability to provide high-quality affordable rental housing to low- and very-low income senior residents of Boulder.

### **OTHER IMPACTS**

- Fiscal – N/A
- Staff time – The work associated with this request is part of the Division of Housing’s work plan.

### **BACKGROUND**

The State of Colorado PAB Program is a financing tool that can be used to fund activities such as affordable housing or economic development projects. In order to support such projects, the federal government allows qualifying local governments to issue a limited amount of PABs that are tax-exempt. PABs are not a direct obligation of the municipality and no tax or other municipal revenues are pledged for their retirement and there is no recourse to the city in the event of default. The project sponsor makes all principal and interest payments on the bonds. Since the interest on the bonds is exempt from federal income taxes, the sponsor benefits from a lower interest rate than other forms of financing. Generally, prior to issuance, qualified PABs must be approved by the governmental entity issuing the bonds through a public hearing and approval process.

In 2011, BHP requested the city’s 2011 PAB allocation to support its plans to improve and expand its rental portfolio. The city assigned the allocation to BHP and the bonds must be issued by the end of 2014 or the authority to issue them expires. BHP has identified an eligible project, known as High Mar, that it would like to finance using the 2011 PAB allocation with a closing in January 2013. On July 12, 2012, BHP’s Board of Commissioners approved the use of PABs for the project by adopting Inducement Resolution #20.

High Mar, located at 4990 Moorhead Ave., is being built to serve the affordable housing needs of seniors and includes 59 one- and two-bedroom units. It will be the first affordable senior rental project developed in Boulder since the early 1980’s. BHP has assembled a financing package that will enable it to serve low- and very-low income households (40%, 50% and 60% of the Area Median Income). The financing includes the 2011 PABs for debt, non-competitive 4% Low Income Housing Tax Credits (LIHTC), and grants from the state of Colorado and the city.

Due to a lack of interest by local housing providers, BHP’s success last year in receiving a large PAB allocation from the state, and the continued availability of the state’s PABs, the city allowed its 2012 PAB allocation to revert to the state.

## **ANALYSIS**

Issuers of PABs have access to LIHTC, which results in the provision of both debt and equity to projects. BHP's development of the High Mar apartments depends on both financing sources, and the construction will not be completed without using PABs unless alternative sources can be secured. By leveraging the tax credit equity and state grant, additional non-local resources are secured to support the city's affordable housing goal.

The attached resolution is required for BHP to be able to issue the bonds. Under the Tax Equity and Fiscal Responsibility Act (TEFRA), BHP is required to hold a public hearing prior to the issuance of tax exempt debt to allow interested persons to express any concerns or questions they have about the project. The meeting was noticed in the Daily Camera and a hearing was held at BHP's main offices in North Boulder. No one from the public attended the hearing and no comments were submitted. Prior to closing on the issuance of the PAB's, the highest elected executive office or legislative body is required to execute a certificate acknowledging and approving the debt based on the public hearing results. The City Attorney has determined that the resolution must be approved by council.

If the resolution is not approved, either BHP would not be able to complete the project, or BHP would have to find another source of financing and incur the costs of delaying the project. If BHP withdrew, the delivery of 59 units of senior, permanently affordable housing would be substantially delayed.

## **ATTACHMENTS**

Attachment A: Proposed Resolution and supporting documents

Attachment B: Site Map

**ATTACHMENT A**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION DECLARING THE INTENT OF THE CITY OF BOULDER, COLORADO TO AUTHORIZE THE CITY TO EXECUTE A PUBLIC APPROVAL CERTIFICATE RELATING TO ISSUANCE OF BONDS BY THE HOUSING AUTHORITY OF THE CITY OF BOULDER, COLORADO, D/B/A BOULDER HOUSING PARTNERS FOR THE PURPOSE OF FINANCING RESIDENTIAL FACILITIES FOR LOW AND MODERATE INCOME FAMILIES AND PERSONS.

WHEREAS, pursuant to a Resolution dated December \_\_, 2012, the Housing Authority of the City of Boulder, Colorado, a Colorado housing authority, d/b/a Boulder Housing Partners (“BHP”) has authorized the issuance of Bonds in a principal amount not to exceed \$9,000,000 to finance a loan to High Mar Community, LLLP (the “Borrower”) the proceeds of which are to be used to finance the costs of constructing and equipping a 59-unit multifamily housing project located in Boulder, Colorado and known as High Mar Apartments (the “Project”);

WHEREAS, in connection with the adoption of this Resolution, BHP provided to the City Council a Report on Public Hearing dated November 28, 2012, (attached hereto as Exhibit A) (the “Report on Public Hearing”) setting forth the details of BHP’s compliance with the public notice and approval requirements of Section 147(f) of the Internal Revenue Code, as amended (the “Code”) required in connection with the issuance of the Bonds; and

WHEREAS, based on its review of the Report on Public Hearing, the City Council desires to authorize the execution and delivery of a Public Approval Certificate as required under the Code in accordance with the terms set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT

Section 1. To satisfy certain conditions to the issuance of the Bonds by BHP to finance residential facilities for low- and moderate-income families and persons for the benefit of the citizens of the State (specifically, the Project), the City Council of the City of Boulder, Colorado (the “City Council”), hereby ratifies, acknowledges and approves the holding of the public hearing on the Bonds and the Project as described in the Report on Public Hearing and declares its intent to execute and deliver that certain Public Approval Certificate attached hereto as Exhibit B (the “Public Approval Certificate”). The City Manager is authorized to enter into, execute and deliver documentation necessary to implement this Resolution, including but not limited to the Public Approval Certificate. In connection therewith, the Public Approval Certificate is hereby approved, including any such changes, modifications, additions and deletions therein as shall seem, to the City Manager executing such document, necessary, desirable or appropriate.

Section 2. The City Council hereby finds, determines, recites and declares that neither the issuance of the Bonds by BHP nor the execution and delivery of the Public Approval Certificate shall constitute any multiple-fiscal year direct or indirect debt or other financial obligation

whatsoever of the City of Boulder, Colorado (the “City”), the State of Colorado (the “State”) or any political subdivision of the State within the meaning of any provision or limitation of the State Constitution or statutes, and the Bonds shall not constitute or give rise to a pecuniary liability of the City or a charge against the City’s general credit or taxing powers, or ever be deemed to be an obligation or agreement of any City Council member, officer, director, agent or employee of the City in such person’s individual capacity, and none of such persons shall be subject to any personal liability by reason of the issuance of the Bonds.

Section 3. As the highest elected legislative body of the City, the City Council hereby ratifies, acknowledges and approves the issuance of the Bonds in the principal amount of not to exceed \$9,000,000 and the financing of the Project on behalf of the Borrower.

Section 4. The City Council hereby finds, determines, recites and declares the City’s intent that this Resolution constitute an official indication of the present intention of the City to take the actions described herein.

Section 5. All actions not inconsistent with the provisions of this Resolution heretofore taken by the City Council or any officer or employee of the City in furtherance of this delegation and the execution and delivery of the Public Approval Certificate are hereby ratified, approved and confirmed.

Section 6. All prior acts, orders or resolutions, or parts thereof, of the City in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive an act, order or resolution, or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 8. This Resolution shall take effect immediately upon its introduction and passage.

ADOPTED this December 18, 2012.

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Records

EXHIBIT A

**REPORT ON PUBLIC HEARING WITH RESPECT TO PROPOSED ISSUANCE  
OF NOT TO EXCEED \$9,000,000 HOUSING AUTHORITY OF THE CITY OF BOULDER,  
COLORADO,  
D/B/A BOULDER HOUSING PARTNERS  
MULTIFAMILY HOUSING REVENUE BONDS  
(HIGH MAR APARTMENTS PROJECT)  
SERIES 2013**

November 28, 2012

TO: City Council of the City of Boulder, Colorado  
FROM: Stuart Grogan, Development Director, Boulder Housing Partners

**I. Summary of Proposed Housing Authority of the City of Boulder, Colorado,  
d/b/a Boulder Housing Partners Multifamily Housing Revenue Bonds (High Mar Apartments  
Project) Series 2013**

**Issuer:** Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing Partners

**Bond Issue:** Not to Exceed \$9,000,000 Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing Partners Multifamily Housing Revenue Bonds (High Mar Apartments Project), Series 2013

**Purchaser:** Wells Fargo Bank, N.A.

**Borrower:** High Mar Community, LLLP, a Colorado limited liability limited partnership

**Bond Counsel:** Kutak Rock LLP, Denver, Colorado

**Purpose of Issue:** Finance a portion of the construction of the multifamily housing apartment complex known as High Mar Apartments for the Borrower located at 4990 Moorhead Avenue in Boulder, Colorado (the "Project").

**Use of Proceeds:** To finance a portion of the project costs in an amount equal to the principal amount of the Bonds.

**Documents & Security:** The Bonds will be issued pursuant to a plan of finance that includes a Financing Agreement, dated on or about January 28, 2013, by and among the Issuer, the Borrower and the Purchaser. The proceeds of

the Bonds will be loaned to the Borrower to finance the Project. The Borrower's obligation to make payments on the loan and the mortgage and related collateral securing that obligation are being assigned by the Issuer to the Purchaser upon Purchaser's payment of the purchase price for the Bonds. The Bonds do not constitute a debt or liability of the Issuer or the City of Boulder, Colorado.

## **II. Report of Public Hearing**

A public hearing was held with respect to the plan of finance and the issuance of the Bonds on November 26, 2012 at 11:00 a.m., Mountain time, at the offices of Boulder Housing Partners, 4800 Broadway, Boulder, Colorado 80304. Notice of such hearing in the form attached hereto as Exhibit A was published on Monday, November 12, 2012 in the *Boulder Daily Camera*, a newspaper of general circulation in the locale of the Project. No one appeared to speak against the Project. The hearing was closed at approximately 11:30 a.m., Mountain time.

By: Stuart Grogan, Development Director

EXHIBIT B

**PUBLIC APPROVAL CERTIFICATE**

**NOT TO EXCEED \$9,000,000  
HOUSING AUTHORITY OF THE CITY OF BOULDER, COLORADO,  
D/B/A BOULDER HOUSING PARTNERS  
MULTIFAMILY HOUSING REVENUE BONDS  
(HIGH MAR APARTMENTS PROJECT)  
SERIES 2013**

WHEREAS, the purpose of this approval certificate is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) in order to qualify the interest of the above-captioned bond issue (the “Bonds”) for exclusion from provisions of the Code; and

WHEREAS, officials of the Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing Partners (the “Authority”), have represented to the City Council of the City of Boulder, Colorado (the “City Council”) that the proceeds of the Bonds will be loaned to High Mar Community LLLP (the “Borrower”), a Colorado limited liability limited partnership, as part of a plan of finance to finance a portion of the construction of the multifamily housing complex known as High Mar Apartments located at 4990 Moorhead Avenue, Boulder, Colorado (the “Project”); and

WHEREAS, the Project is located within the boundaries of the City of Boulder, Colorado (the “City”); and

WHEREAS, officials of the Authority have represented to the City Council that a public hearing on behalf of the Authority was held by such officials at 11:00 a.m., Mountain time, on November 26, 2012 (the “Public Hearing”) after a Notice of Public Hearing was published for the Public Hearing on November 12, 2012 in the *Boulder Daily Camera*, as evidenced by the affidavit of publication attached hereto as Exhibit A;

WHEREAS, officials of the Authority have represented to the City Council that after a reasonable public notice was given, the Public Hearing was held and that no objections were raised with respect to the proposed issuance of the Bonds or the financing of the Project; and

WHEREAS, pursuant to a Resolution adopted by the City Council on December 18, 2012, the undersigned was authorized to sign this Public Approval Certificate on behalf of the City Council.

NOW, THEREFORE, based upon all of the foregoing, ON BEHALF OF THE CITY COUNCIL, I HEREBY CERTIFY THAT:

1. The City Council is the highest elected legislative body of the City; and
2. The officials of the Authority have informed the City Council of the purpose for which the Bonds are proposed to be issued and the proceedings of the Public Hearing, and have

informed the City Council that no objections were raised with respect to the proposed issuance of the Bonds or the financing of the Project at the Public Hearing; and

3. On behalf of the City Council, I hereby ratify, acknowledge and approve the holding of a public hearing on the Bonds and the Project; and

4. For the sole purpose of qualifying the interest on the Bonds for exclusion from gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, on behalf of the City Council, I hereby approve the issuance of the Bonds in the principal amount of not to exceed \$9,000,000 and the financing of the Project on behalf of the Borrower.

IN WITNESS WHEREOF, the undersigned has set his hand as of December \_\_\_\_, 2012.

CITY OF BOULDER, COLORADO

By: \_\_\_\_\_  
Matthew Appelbaum  
Mayor of the City of Boulder, Colorado

Attest:

By: \_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Records

Approved as to form:

By: \_\_\_\_\_  
City Attorney

**ATTACHMENT B**

**Site Map**





**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE:** Third reading and consideration of a motion to adopt Ordinance 7881, amending Title 6, “Health Safety and Sanitation,” Chapter 4, “Regulation of Smoking,” B.R.C. 1981, including the addition of a definition of “Mall,” and a new section 6-4-5.5, “No Smoking on the Mall,” B.R.C. 1981 and setting forth related details.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Tom Carr, City Attorney  
David Driskell, Executive Director, Community Planning and Sustainability  
Molly Winter, Director, Downtown and University Hill Management Division/Parking Services  
Sandra Llanes, Assistant City Attorney III  
Ellen Cunningham, Business Assistance and Special Events Manager

**EXECUTIVE SUMMARY**

On October 16, 2012, two ordinances (7876 and 7881) were presented to city council for first reading and consideration regarding regulation of smoking on the Pearl St. Mall. Ordinance 7881 (**Attachment A**) reduces the potential penalty schedule and was drafted in response to city council member questions prior to first reading. Ordinance 7881 was provided to City Council as a hand out at that meeting. Both ordinance versions were read that night.

On December 4, 2012, the same two ordinances (7876 and 7881) were considered on second reading. Council voted unanimously to adopt Ordinance 7881. However, Ordinance 7881 did not satisfy the publication requirement found in Charter section 18, Boulder Revised Code. Therefore, out of an abundance of caution, this matter is now proceeding to a third reading to remedy any potential procedural issue.

**Suggested Motion Language:**

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

Motion to adopt Ordinance 7881 amending Title 6, "Health Safety and Sanitation," Chapter 4, "Regulation of Smoking," B.R.C. 1981, including the addition of a definition of "Mall," and a new section 6-4-5.5, "No Smoking on the Mall," B.R.C. 1981 and setting forth related details.

**BACKGROUND AND ANALYSIS**

For further background and analysis, please refer to the Second Reading Memorandum, Agenda Item 5B at:

[www.bouldercolorado.gov/files/City%20Council/Agendas/2012/12042012Agenda/12.04.12 - Agenda - FINAL.pdf](http://www.bouldercolorado.gov/files/City%20Council/Agendas/2012/12042012Agenda/12.04.12_-_Agenda_-_FINAL.pdf)

**STAFF RECOMMENDATION**

Staff recommends that City Council adopt the Pearl Street Mall Proposed Smoking Ban Ordinance 7881.

**ATTACHMENT**

A – Proposed Ordinance 7881

ORDINANCE NO. 7881

AN ORDINANCE AMENDING TITLE 6, "HEALTH SAFETY AND SANITATION," CHAPTER 4, "REGULATION OF SMOKING," B.R.C. 1981, INCLUDING THE ADDITION OF A DEFINITION OF "MALL," AND A NEW SECTION 6-4-5.5, "NO SMOKING ON THE MALL," B.R.C. 1981 AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 6-4-2, B.R.C. 1981, is amended as follows:

**6-4-2 Definitions.**

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

...  
"Mall" means the Downtown Boulder Mall as defined in Ordinance No. 4267, as amended by Ordinance No. 4543 and any successor ordinance.<sup>1</sup>

Section 2. A new Section 6-4-5.5, B.R.C. 1981, is added to read:

6-4-5.5 Smoking Prohibited on the Mall.

(a) No person shall smoke on the Mall.

(b) The maximum penalty for a first or second conviction within two years, based on date of violation of this section, is a fine of \$500.00. For a third and each subsequent conviction within two years, based upon the date of the first violation, the general penalty provisions of section 5-2-4, "General Penalties," B.R.C. 1981, shall apply.

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<sup>1</sup> The ordinances generally describe the area included within the mall as the entire right-of-way of Pearl Street from approximately the east curb line of 11th Street to the west curb line of 15th Street except for the roadway at the intersections at Broadway, 13th and 14th Streets; and the area directly south of the Boulder County courthouse complex, specifically, the area bounded by the east curb line of 13th Street on the west, the west curb line of 14th Street on the east, the north boundary line of the Pearl Street right-of-way on the south and, on the north, by a line coinciding with the south wall of the west wing of the Boulder County courthouse complex and extending westerly at a right angle from the west wall thereof to the east curb line of 13th Street and extending easterly at a right angle from the east wall thereof to the west curb line of 14th Street; excepting, however, any buildings or portions of buildings which are owned by the County of Boulder and located in such area.



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

BY TITLE ONLY this 18th day of December 2012.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE:** Second reading and consideration of a motion to adopt Ordinance 7884, amending Chapter 3-12, "Climate Action Plan Excise Tax," B.R.C. 1981 to amend the expiration date, and setting forth related details.

**PRESENTERS**

Thomas A. Carr, City Attorney  
David J. Gehr, Deputy City Attorney

**EXECUTIVE SUMMARY**

The proposed ordinance is to amend the Boulder Revised Code to match the language approved by voters on November 6, 2012 to extend the climate action plan excise tax for five years for the purpose of continuing to provide incentives, services, and other assistance to Boulder residents and businesses to improve energy efficiency, expand the use of renewable energy, and take other necessary steps to reduce greenhouse gas emissions at the current rate of \$0.0049 per kilowatt hour (kwh) for residential customers, \$0.0009 per kwh for commercial customers, and \$0.0003 per kwh for industrial customers on electricity consumed, from its current expiration of March 31, 2013 through March 31, 2018.

In 2002, City Council adopted Resolution 906, which established a goal for the Boulder community to reduce its greenhouse gas (GHG) emissions. Central to the resolution were concerns about preserving environmental and air quality, addressing the risk climate change poses to local communities, and ensuring high quality of life and economic vitality. In 2006, the city adopted a Climate Action Plan (CAP) to achieve the Kyoto goal, supported in 2007 by the nation's first voter-approved Climate Action Tax (the CAP tax) as a revenue source for implementing the actions outlined in the Climate Action Plan.

The CAP tax is levied by a charge per kilowatt hour (kWh) of electricity consumed with differing rates by sector: residential, commercial, and industrial, and is used to fund programs and services to reduce greenhouse gas emissions.

The current tax generates approximately \$1.8 million per year, and expires in March 2013. After study sessions on May 1 and May 22, council showed interest in pursuing a ballot item in 2012. That ballot language was presented and discussed in council meetings on June 5 and August 7, 2012 and approved in Ordinance 7848 on August 7, 2012. That ballot issue was approved by voters on November 6, 2012.

The attached proposed ordinance was prepared in order to amend the Boulder Revised Code to match the language approved by voters on that ballot issue.

### **STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

Motion to read on second reading, pass and order published by title only Ordinance 7884, amending Chapter 3-12, "Climate Action Plan Excise Tax," B.R.C. 1981 to amend the expiration date, and setting forth related details.

### **FIRST READING**

The proposed ordinance had a first reading at the December 4<sup>th</sup> council meeting. There were no questions by the council.

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic - Current economic conditions are a factor that should be considered in decisions about increasing taxes or fees. In addition, economic factors may limit the ability for building owners to invest in energy improvements. While the annual cost for individual residents and businesses is a small percentage of their annual energy costs, extending the tax will add to the financial burden caused by other factors. However, CAP programs help the community to reduce energy costs over time. Additionally, expanding programs with new revenues may generate more business for local companies that offer building improvement services and energy products. The percent of electricity costs paid as CAP tax by each sector are as follows:

Residential: 1.8 - 3.9 percent

Commercial: 0.4 - 1.0 percent

Industrial: 0.3 - 0.5 percent

The current tax structure allows flexibility on how the revenues from the tax are allocated across sectors through the city budget process as well as the goals, targets and specific strategies that can be funded through the tax, as long as the overall purpose of the tax (reducing GHG emissions) remains the same.

- Environmental - Reducing greenhouse gas emissions is a critical local and global priority. It also conserves other natural resources.
- Social - Climate action activities involve a broad spectrum of residents, employees and businesses. Meeting this goal is community-wide effort. Many services are free for low to moderate income households. Partnerships with Housing and Human Services, Boulder Housing Partners and other housing and human service providers assist in the delivery of services to low and moderate income residents.

#### **OTHER IMPACTS**

- Fiscal – This ordinance is necessary to implement Boulder’s ballot measure 2A that was approved by the voters on November 6, 2012.
- Staff time - No additional staff is being requested at this time to supplement the current staff funded by the CAP tax. These costs are incorporated into the program costs.

#### **ATTACHMENT**

A – Proposed Ordinance 7884

ORDINANCE NO. 7884

AN ORDINANCE AMENDING CHAPTER 3-12, "CLIMATE ACTION PLAN EXCISE TAX," B.R.C. 1981 TO AMEND THE EXPIRATION DATE, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Purpose and Findings.

The purpose of this ordinance is to amend the expiration date of the Climate Action Plan excise tax as approved by the electors on November 6, 2012. This ordinance is subject to referendum as provided in the City Charter.

Section 2. Chapter 3-12, "Climate Action Plan Excise Tax," B.R.C. 1981, is amended as follows:

**3-12-1 Legislative Intent.**

It is the purpose of this chapter to raise revenue to implement the City's Climate Action Plan, including incentives, services and other assistance to Boulder residents and businesses to improve programs to increase energy efficiency, increase expand the use of renewable energy use, reduce emissions from motor vehicles, and take other necessary steps toward the initial goal of meeting the Kyoto Protocol target of reducing local greenhouse gas emissions by seven percent below 1990 levels by the year 2012. Additionally, the city council determines and declares that the consumption of electricity within the City is the exercise of a taxable privilege. The city council further declares that the purpose of the levy of the taxes imposed by this chapter is for the raising of funds for the payment of the expenses incurred to implement the Climate Action Plan; and in accordance with this purpose, all of the proceeds of this excise tax should be placed in and become a part of a separate special revenue fund of the City.

**3-12-2 Imposition of Climate Action Plan Excise Tax.**

(a) Any person consuming electricity shall pay a Climate Action Plan excise tax at the rate prescribed by subsections (c) ~~and (d)~~ of this section, as applicable.

(b) The Climate Action Plan excise tax shall ~~be effective April 1, 2007, and shall expire on March 31, 2018~~ 2013.

(c) The Climate Action Plan excise tax rates ~~effective April 1, 2007,~~ shall be:

<i>Category</i>	<i>Tax</i>
Residential	\$0.0022 per kWh
Commercial	0.0004 per kWh
Industrial	0.0002 per kWh

(d) ~~The Climate Action Plan excise tax rates effective August 6, 2009, shall be:~~

<i>Category</i>	<i>Tax</i>
Residential	\$0.0049 per kWh
Commercial	0.0009 per kWh
Industrial	0.0003 per kWh

### **3-12-3 Exemptions.**

The portion of electricity voluntarily purchased as utility provided wind power shall be exempt.

### **3-12-4 Payment of Tax.**

Any incumbent electricity provider operating within the City pursuant to a franchise or otherwise (“Provider”) shall bill and collect the Climate Action Plan excise tax and shall remit said tax to the city manager in the manner required by section 3-12-5, “Payment Schedule, Reporting and Inspection of Records,” B.R.C. 1981. ~~The first payment shall be due May 31, 2007, for electricity consumption on or after April 1, 2007.~~ The tax may be expressly identified on any consumer bills as the “The City of Boulder Climate Action Plan Excise Tax” or as the “Climate Action Plan Tax.”

### **3-12-5 Payment Schedule, Reporting and Inspection of Records.**

(a) For the Climate Action Plan excise tax amounts billed pursuant to this chapter, payment shall be made by the Provider in monthly installments not more than thirty days following the close of the month for which payment is to be made. Initial and final payments shall be prorated for the portions of the months at the beginning and end of the term of this excise tax.

(b) In addition, the Provider shall also submit monthly reports to the City supporting the amount of the Climate Action Plan excise tax remitted for that month including energy use and amounts remitted by sector and Windsource electricity purchases exempted by sector. Electronic or paper reports are acceptable.

(c) It shall be the duty of the Provider to keep and preserve, for a period of three years, suitable records and other such books or accounts, including, without limitation, original sales and purchase records, as may be necessary to determine the amount of the Climate Action Plan excise tax for the collection of which the Provider is liable under this chapter. The city manager and agents and representatives thereof are entitled at any reasonable time, upon adequate notice,

1 to examine the books and records of the Provider and to make copies of the entries or contents  
2 thereof.

3 **3-12-6 Enforcement of Tax Liability.**

4 (a) The excise tax imposed by this chapter is a first and prior lien on tangible personal property  
5 in which the Provider has an ownership interest, subject only to valid mortgages or other liens of  
6 record at the time of and prior to the recording of notice of tax lien as provided in subsection 3-2-  
7 27(c), B.R.C. 1981.

8 (b) The provisions of sections 3-2-22, "Penalties for Failure to File Tax Return or Pay Tax  
9 (Applies to Entire Title)," 3-2-27, "Tax Constitutes Lien," 3-2-29, "Sale of Business Subject to  
10 Lien," 3-2-30, "Certificate of Discharge of Lien," 3-2-31, "Jeopardy Assessment," 3-2-32,  
11 "Enforcing the Collection of Taxes Due (Applies to Entire Title)," 3-2-33, "Recovery of Unpaid  
12 Tax by Action At Law," 3-2-34, "City May be a Party Defendant," 3-2-35, "Injunctive Relief,"  
13 3-2-36, "Obligations of Fiduciaries and Others," and 3-2-38, "Limitations," B.R.C. 1981,  
14 providing for enforcement of collection of taxes due, govern the authority of the city manager to  
15 collect the excise tax imposed under this chapter.

16 **3-12-7 Duties and Powers of City Manager.**

17 The city manager is authorized to administer, including, but not limited to, the adoption of  
18 administrative policies and guidelines, the provisions of this chapter and has all other duties and  
19 powers prescribed by section 3-2-17, "Duties and Powers of City Manager," B.R.C. 1981. In  
20 addition, the city manager is authorized to enter into agreements with Providers to establish  
21 procedures for tax collection, payment to the City, and the reasonable setup and collection  
22 charges that will be owed to such Provider.

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 4<sup>th</sup> day of December 2012.

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4  
5 Attest: Mayor  
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7 City Clerk

8  
9 READ ON SECOND READING, PASSED, AND ORDERED PUBLISHED BY TITLE  
10 ONLY this 18<sup>th</sup> day of December 2012.

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13 Attest: Mayor  
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**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE**

Consideration of the following items related to the annexation and initial zoning of an 0.85 acre property identified as 2475 Topaz Drive within Boulder County:

1. Consideration of a motion to adopt a resolution finding the annexation petition in compliance with state statutes and establishing Jan. 22, 2013 as the date for a council action.
2. Introduction, first reading and consideration of a motion to order published by title only, an ordinance annexing a 0.85 acre of land generally located at 2475 Topaz Drive, with an initial zoning classification of Rural Residential – 1 (RR-1).

**PRESENTER/S**

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

**EXECUTIVE SUMMARY**

The City Council is asked to annex a single property within a county enclave as described in the title into the City using the unilateral annexation procedures in the Municipal Annexation Act of 1965 (Section 31-12-101 *et seq.*, C.R.S.) and to provide the property with an initial zoning classification of Rural Residential – 1 (RR-1), which is consistent with the Boulder Valley Comprehensive Plan (BVCP) land use designation of Very Low Density Residential and the North Boulder Subcommunity Plan (NBSP) land use designation of Rural Residential. Staff finds that the requested Rural Residential – 1 (RR-1) zoning for the subject property is consistent with city policies and is consistent with the zoning of neighboring city lots to the south and west. Because there is no additional development potential on the site, there is no special benefit required.

The annexation map is found in **Attachment A**. The petition was submitted on Aug. 2, 2012. Per the state's annexation statutes, council is asked to consider the attached annexation resolution as provided in **Attachment B**, setting Jan. 22, 2013 as the date for council action on the annexation ordinance. The ordinance to annex the property is provided for first reading

in **Attachment C**. On Oct. 4, 2012, Planning Board voted unanimously to recommend approval of the Annexation and Initial Zoning. The conditions of annexation are set forth in the Annexation Agreement in **Attachment D**. The staff memorandum to Planning Board and the audio of the proceedings related to the Planning Board's review are available on the city website at the following link:

[http://www.bouldercolorado.gov/index.php?option=com\\_content&task=view&id=16913&Itemid=470](http://www.bouldercolorado.gov/index.php?option=com_content&task=view&id=16913&Itemid=470)

### **Key Issue Identification**

1. Annexation: Is the proposal consistent with Colorado State Statutes on Annexation, as well as city Annexation and other Boulder Valley Comprehensive Plan (BVCP) policies?
2. Initial Zoning of Rural Residential – 1: Is RR-1 zoning, pursuant to land use code subsection 9-5-2(c)(4)(B), B.R.C. 1981, appropriate as the initial zoning for the subject property?

### **STAFF RECOMMENDATION**

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

#### Suggested Motion Language:

1. *Motion to approve a resolution finding the annexation petition in compliance with state statutes and establishing Jan. 22, 2013, for council action on annexation ordinance.*
2. *Motion to introduce and order published by title only, an ordinance annexing an approximately 0.85 acre of land generally located at 2475 Topaz Drive with an initial zoning classification of Rural Residential-1 (RR-1) per land use code subsection 9-5-2(c)(4)(B), B.R.C. 1981.*

### **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic: It is in the interest of the city to annex properties in the county to avoid the economic burden that could arise should independent septic systems fail and impact city assets, such as creek systems or drainage ditches.
- Environmental: There are environmental benefits of having properties connected to city water and sewer, specifically, the avoidance of the potential environmental and health impacts of independent septic system failure. For existing substantially developed areas offered for annexation that have current failed septic, it is noted under BVCP policy 1.24 that, *“the city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area of the city.”*
- Social: The subject annexation includes one lot totaling 36,960 square feet or 0.85 acre in a developed area of the community where all city services are available. No impacts on the community are expected from the subject annexation.

## **OTHER IMPACTS**

- Fiscal: City services are existing and available to this site. Property taxes will be paid on the annexed property and all development will be subject to city development fees including payment of Storm Water and Flood Management, Utility Plant Investment Fees (PIFs).
- Staff time: The annexation application has been processed through the provisions of a standard annexation process and is within normal staff work plans.

## **BOARD AND COMMISSION FEEDBACK**

Annexations are subject to county referral and city Planning Board recommendation prior to City Council action. The Planning Board hearing was held on Oct. 4, 2012; there was no public comment. Planning Board found the annexation consistent with state statutes and city policies. A motion was made by M. Young and seconded by L. May to recommend that the City Council approve the Annexation with an initial zoning of Rural Residential 1 (RR-1), incorporating the staff memorandum as findings of fact. The vote was unanimous (A. Brockett and S. Weaver absent).

## **PUBLIC FEEDBACK**

All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Compliance with these requirements included public notice in the form of written notification mailed to all property owners within 600 feet of the subject property, and a sign posted on the property for at least 10 days prior to the public hearing as required. There were two emails received regarding the annexation by neighbors of the property who indicated concerns about the neglect of the property and the dilapidated state of the existing structure. They also both indicated a desire for limits to the size of the house. Staff responded that through annexation, any new construction of residential buildings on the property becomes subject to the city's compatible development standards.

## **BACKGROUND:**

**History of the Proposed Annexation Request:** The applicant originally filed the petition and application for annexation and initial zoning of ER-E (Estate Residential) in 2004. At the time, the applicant was given notice by the Planning Department that the additional density requested through ER-E zoning (one unit per 15,000 square feet) could not be supported because a significant portion of the property was located in the flood conveyance zone. At that time, staff indicated additional density could not be supported unless there was new flood information or a change in circumstance to support such a change. The applicant chose to place the application on hold until completion of the study. Since that time, the study was completed and the remapping of the flood boundary for Four Mile Creek concluded that the subject property was no longer within the flood conveyance zone. There are no flood constraints on the subject property.

Subsequent to that study's completion, the applicant reactivated their application and requested annexation with initial zoning of Residential Estate (RE) consistent with the Boulder Valley Comprehensive Plan (BVCP) land use at the time of Low Density Residential. The applicant also requested an amendment to the North Boulder Subcommunity Plan land use map from Rural Residential to Residential Estate to be consistent with the BVCP land use. The original application for annexation with initial zoning of Residential Estate, with a second lot as additional development potential, went before the Planning Board in November 2007 and was not approved (there was a split vote of three to three) as some board members found it inconsistent with the underlying land use designation from the NBSP.

Because of the denial, the applicant was guided by staff to await a pending update of the North Boulder Subcommunity Plan to review a change to the NBSP land use in a more comprehensive analysis. The NBSP update was never initiated by City Council, but instead, the analysis of the inconsistency between the NBSP and BVCP land use map designations was considered as a part of the 2010 Update to the Comprehensive Plan. The conclusion of the update was that the BVCP land use for the site was changed to match that of the NBSP to Very Low Density Residential. Therefore, the applicant is now requesting annexation with an initial zoning of Rural Residential consistent with the BVCP and the NBSP land use designations of Very Low Density Residential and Rural Residential, respectively.

## **ANALYSIS**

### **1. Land Use Designation, Initial Zoning, and Planning Service Area**

The applicant is requesting annexation into the city of Boulder with a zoning designation of Rural Residential – 1 (RR-1) which is consistent with the existing land use and zoning patterns for the area. The RR-1 zoning district is compliant with the underlying BVCP land use designation of Very Low Density Residential and the North Boulder Subcommunity Plan land use designation of Rural Residential. The applicant is requesting unilateral annexation as provided by state law.

The subject property is within BVCP Planning Service Area II, and is therefore eligible for immediate annexation consistent with BVCP Policy 1.20 that defines Planning Areas II as follows:

*“Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements, & 1.24 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise. Master plans project the provision of services to this area within the planning period.”*

### **2. Compliance with State Annexation Statute**

The proposal complies with applicable state annexation requirements regarding the unilateral annexation of an enclave. The Municipal Annexation Act provides that a municipality may annex and enclave if the area has been surrounded by the outer

boundaries of the municipality for a period of three or more years (Section 31-12-106(1), C.R.S.). The Property has been contained within the outer boundaries of the City of Boulder since April 7, 1992, when the city annexed the residential and non-residential areas north of Violet Avenue and the Violet Estates Subdivision (ordinance no. 5448). Therefore, this area meets the statutory requirements and is eligible for annexation as an enclave. Therefore, this area meets the statutory requirements and is eligible for annexation as an enclave.

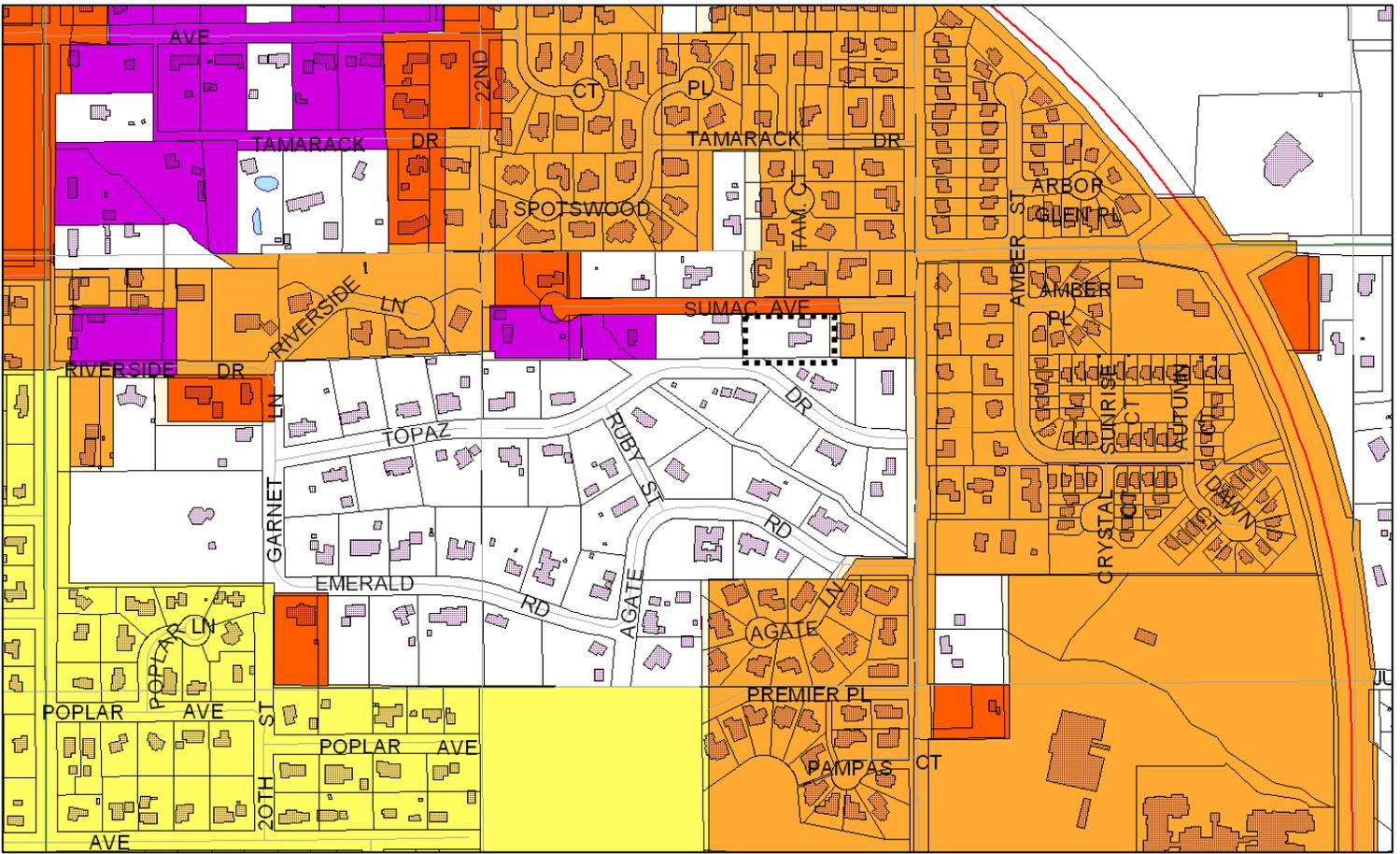
Typically, under an annexation petition, the city council is required to pass a resolution that initiates the annexation proceedings; it adopts initial findings related to the annexation that it meets the requirements and is eligible for annexation. The city council then sets a hearing date not less than 30 days or more than 60 days after the date of the resolution. The purpose of the subsequent hearing is to determine whether the requirements of the statute are met.

If a property is determined to be an enclave, then the city council is not required to make the typical findings necessary for annexation. The hearing requirements for this purpose are no longer necessary under the statute. This allows the city to annex the property into the city using typical legislative procedures, modified only by the statutory requirement that notice of the city councils final action is required to be published once a week for four weeks prior to final action on the annexation.

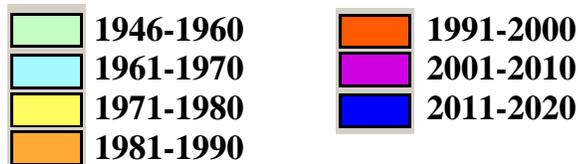
The agreements signed under this approach to the annexation constitute a “memorandum of agreement or escrow arrangements voluntarily made by and between the municipality and owner or more land owners” under Section 31-12-112(2), C.R.S. These agreements allow the city and signing property owners to be assured of the contractual arrangements associated with the annexation without constituting additional “terms and conditions” which would otherwise require an annexation election. This type of agreement is authorized for unilateral annexations by Section 31-12-106(4), C.R.C. The last time this approach was used was for another enclave within the Crestview East annexation in 2008.

### **3. Characteristics of the Property - Compliance with City Policies**

Approximately one-half of the property is contiguous to the city boundaries. It is relatively flat and near Four Mile Canyon Creek as shown in the map of Figure 1. The property currently has a vacant, somewhat dilapidated single family dwelling unit and a detached garage structure located near Sumac Avenue. As noted above, the proposed RR-1 zoning district is compatible with the existing BVCP land use designation of Very Low Density Residential, and the NBSP designation of Rural Residential. Under the planned initial zoning of Rural Residential – 1 (RR-1) there is no additional development potential available as the property is approximately 36,960 square feet and the RR-1 zone requires a minimum lot area of 30,000 per unit. Because the property is considered an enclave that is also within the BVCP Planning Area II, annexation is encouraged and the property is considered eligible for immediate annexation by BVCP policy 1.24(b). Staff’s analysis of the annexation policies begins on the following page.



**Figure 1:**  
**Subject property in context of the City Boundaries and Annexations Over Time**



**1.24 Annexation.** The applicable policies (a, b, c, d and e) in regard to annexation to be pursued by the city are:

**a) Annexation will be required before adequate facilities and services are furnished.**

*City services will be available to the subject property with annexation.*

**b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within**

**the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.**

*This property is part of an existing county enclave, and thus annexation of the property would further this policy.*

**c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.**

*The proposed zoning of Rural Residential will reflect the existing development pattern most appropriate for this area, retaining the rural character of the area along Topaz, and consistent of the character of Sumac Avenue. The City of Boulder established "Guidelines for Annexation Agreements" in June 2002, approved by Planning Board and City Council that stipulate the community benefit relative to substantially developed properties, these Guidelines are provided in **Attachment E**.*

**d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.**

*Because of the request for the initial zoning of RR-1 and the size of the property there is no additional development potential. Therefore, any special benefit to the city such as creation of permanently affordable housing is not required.*

**e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.**

*The property has no additional development potential, and therefore, no additional community benefit is required. With an existing septic system that will be removed and the property required to hook up to city services, the potential for a public health impact is reduced. The city encourages annexations of this type of property through this policy.*

## **ATTACHMENTS**

- A. Annexation Map
- B. Proposed Resolution
- C. Proposed Ordinance
- D. Annexation Agreement
- E. Guidelines for Annexation Agreements

# ANNEXATION MAP

OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER  
OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

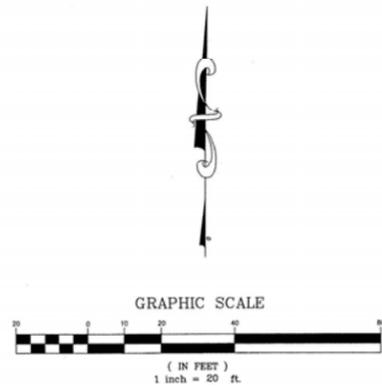
LOT AREA: 36,960 sq. ft. 264' x 140'

**Notes:**

1. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS SURVEYING, INC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS MAP DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS MAP; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS MAP BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. 18-4-508.

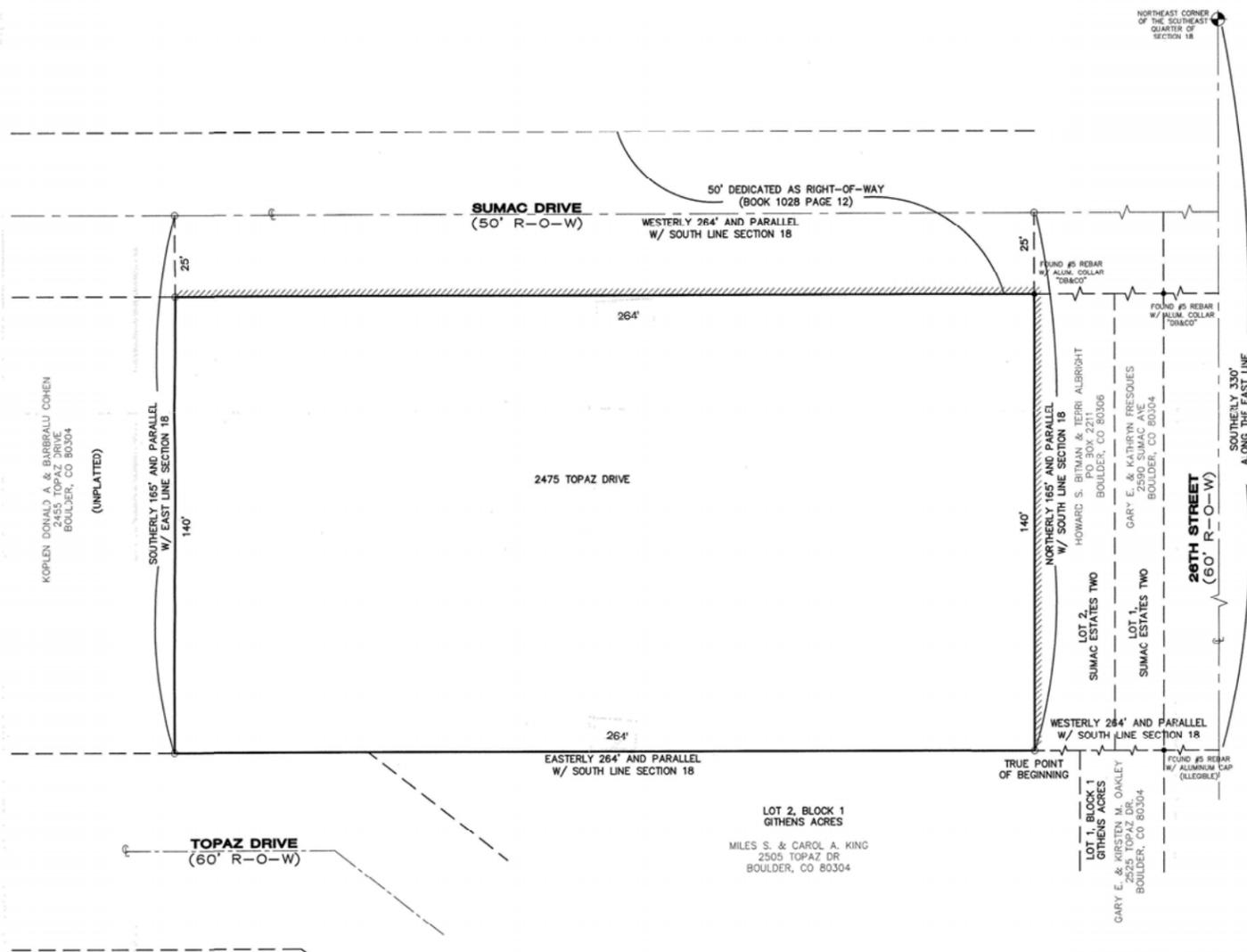
**Contiguity**

TOTAL PERIMETER.....808.00'  
 1/4 PERIMETER.....134.67'  
 PERIMETER CONTIGUOUS TO CITY LIMITS.....404.00'



**Legend**

- FOUND MONUMENT AS SHOWN & DESCRIBED HEREON
- MONUMENT NEITHER FOUND NOR SET
- ////// CURRENT LIMITS OF THE CITY OF BOULDER



**Parcel Description**  
(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.

**Surveyor's Statement**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS SURVEYING, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 19, 2004 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THE PARCEL ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
 COLORADO P.L.S. #16408  
 PRESIDENT, FLATIRONS SURVEYING, INC.

Annexation Map		
Property: 2475 TOPAZ DR		
ANNEXATION / INITIAL ZON'G.		
Submission Date: 02-06-12		
SHEET 1 OF 1		
DRAWN BY: K. CLIFFORD		IO 5/9/07
DATE: DECEMBER 02, 2004	5717 ARAPAHO ROAD BOULDER, CO 80303 PHONE: (303) 443-7001 FAX: (303) 443-9830	INT: DATE: REVISIONS:
FSI JOB NO. 04-47,463-A	655 FOURTH AVENUE LONGMONT, CO 80501 PHONE: (303) 776-1533 FAX: (303) 776-4355 www.Flatirons.com	CHECKED BY: RAR/NV/ETB/SCB
COPYRIGHT 2004 FLATIRONS SURVEYING, INC.		

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION INITIATING THE ANNEXATION OF AN AREA OF LAND APPROXIMATELY 0.85 ACRES IN SIZE GENERALLY LOCATED AT 2475 TOPAZ DRIVE TO THE CITY OF BOULDER; FINDING SAID AREA TO BE AN ENCLAVE; CALLING FOR SAID LAND TO BE ANNEXED TO THE CITY ON JANUARY 22, 2013; DIRECTING THAT NOTICE OF THE ANNEXATION BE PUBLISHED IN COMPLIANCE WITH §31-12-106, C.R.S., AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, HEREBY FINDS AND RECITES THAT:

A. The area, described in Exhibit A and incorporated herein by this reference (the "Property"), has been entirely surrounded and contained within the outer boundaries of the City of Boulder and has been so surrounded for a period of not less than three years.

B. Said unincorporated area is an enclave as that term is defined in subsection 31-12-103(4), C.R.S. of the Municipal Annexation Act of 1965.

C. The owner of the Property has requested that the Property be unilaterally annexed by the City pursuant to Section 31-12-106, C.R.S.

D. The Property owner has voluntarily entered into a memorandum of agreement with the City of Boulder. Therefore, there is no need for an election under the Municipal Annexation Act of 1965 to impose any additional terms or conditions.

E. It is desirable to annex the Property to the City of Boulder and such annexation will be in the interests of the public health, safety, and welfare.

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

Section 1. The City Council will consider taking final action on the annexation of the Property at its regular business meeting on January 22, 2013 in the City Council Chambers located at 1777 Broadway, Boulder Colorado, to determine whether the unincorporated area that includes the Property is an enclave which should be annexed to the City of Boulder by ordinance.

Section 2. The City Council orders the city manager to publish this Resolution in compliance with the requirements of Section 31-12-106, C.R.S., as follows:

A. The notice shall be published once a week for four successive weeks in a newspaper of general circulation in the area proposed to be annexed; and

B. The first publication of the notice shall be at least 30 days prior to the date of final action on the annexation ordinance which is scheduled for January 22, 2013.

INTRODUCED, READ, PASSED, AND ADOPTED this 18th day of December, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Exhibit A  
to Annexation Resolution  
(Page 1 of 2)

**Parcel Description**

(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit A  
to Annexation Resolution  
(Page 2 of 2)

**ANNEXATION MAP**  
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COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1

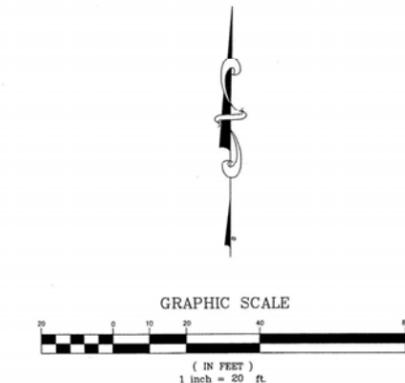
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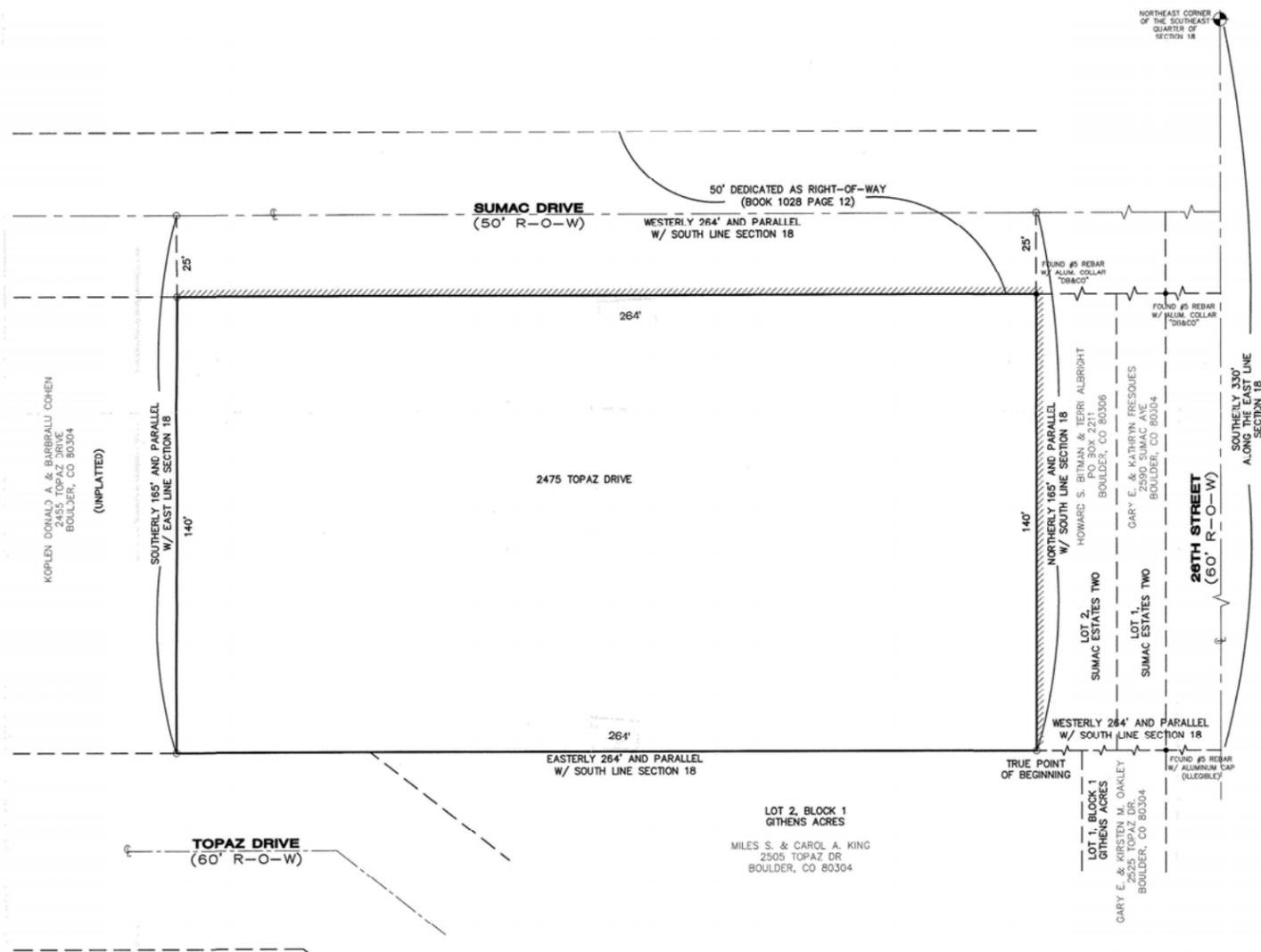
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**Contiguity**

TOTAL PERIMETER.....808.00'  
1/2 PERIMETER.....134.67'  
PERIMETER CONTIGUOUS TO CITY LIMITS.....404.00'



- Legend**
- FOUND MONUMENT AS SHOWN & DESCRIBED HEREON
  - MONUMENT NEITHER FOUND NOR SET
  - ▨ CURRENT LIMITS OF THE CITY OF BOULDER



**Parcel Description**  
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**Surveyor's Statement**

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JOHN B. GUYTON  
COLORADO P.L.S. #16408  
PRESIDENT, FLATIRONS SURVEYING, INC.

Annexation Map		ID: 5/9/07	
Property: 2475 TOPAZ DR		INT: DATE:	
ANNEXATION / INITIAL ZON'G.		REVISIONS:	
Submission Date: 02-06-12		CHECKED BY:	
SHEET 1 OF 1		RAR/NNV/ETB/SCB	
DRAWN BY: K. CLIFFORD	FLATIRONS SURVEYING, INC.	5717 ARAPAHO ROAD BOULDER, CO 80303	655 FOURTH AVENUE LONGMONT, CO 80501
DATE: DECEMBER 02, 2004	PHONE: (303) 443-7001	PHONE: (303) 776-1123	FAX: (303) 443-9830
FSI JOB NO. 04-47,463-A	WWW.FLATIRONS.COM	FAX: (303) 776-4355	CHECKED BY: RAR/NNV/ETB/SCB
COPYRIGHT 2004 FLATIRONS SURVEYING, INC.			

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.85 ACRES OF LAND GENERALLY LOCATED AT 2475 TOPAZ DRIVE, WITH AN INITIAL ZONING CLASSIFICATION OF RURAL RESIDENTIAL - 1 (RR -1) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

- A. The City Council passed a resolution initiating annexation of the enclave described in Exhibit A (the "Property") attached hereto and incorporated herein by this reference, on January 22, 2013.
- B. Evidence has been presented to the City Council that the Property has been entirely contained within the boundaries of the City of Boulder and has been so surrounded for at least three years.
- C. After a public hearing before the Planning Board of the City of Boulder, the Planning Board recommended annexation of the Property.
- D. Curlander Holdings, LLC, a Colorado limited liability company, (the "Owner") is the owner of the Property.
- E. The Owner has requested that the City of Boulder unilaterally annex the Property, including streets and alleys adjacent to the Property.
- F. The Property is located in an unincorporated area and is an enclave, subject to annexation pursuant to Section 31-12-106, C.R.S., as that term is defined in Section 31-12-103, C.R.S. in that this unincorporated area has been entirely contained within the outer boundaries of the City based upon annexations occurring prior to December 18, 2012, and that no portion of said outer city boundaries consist at this time solely of public rights-of-way.
- G. The Property was contained within the outer boundaries of the City of Boulder since at least April 7, 1992.
- H. The requirements of the Colorado Constitution and the Colorado Revised Statutes regarding annexation have been satisfied.

I. The Property is located within Area II, with a land use designation of very low density residential in the Boulder Valley Comprehensive Plan and a land use classification of rural residential on the North Boulder Subcommunity Plan land use map.

J. The Planning Board duly proposed that the Property be annexed to the City of Boulder and that the Zoning District Map adopted by the City Council be amended to zone and include the Property in the Rural Residential – 1 (RR-1) zoning district, as provided in Chapter 9-5, "Modular Zone System," B. R. C, 1981.

K. The zoning of the Property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the Property and of the residents of the City of Boulder.

L. The City Council has jurisdiction and the legal authority to annex and zone the Property.

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

Section 1. The territory more particularly described in Exhibit A be, and the same hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

Section 2. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the Zoning District Map forming a part thereof, be, and the same hereby are, amended to include the Property within the Rural Residential – 1 (RR-1) zoning district.

Section 3. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 4. The City Council deems it appropriate that this ordinance be published by title only and directs the city clerk to make available the text of the within ordinance for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 18th day of December, 2012.

---

Mayor

Attest:

---

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this 22nd day of January, 2013.

---

Mayor

Attest:

---

City Clerk

Exhibit A  
to Annexation Ordinance  
(Page 1 of 2)

**Parcel Description**

(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit A  
to Annexation Ordinance  
(Page 2 of 2)

**ANNEXATION MAP**  
OF A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER  
OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1

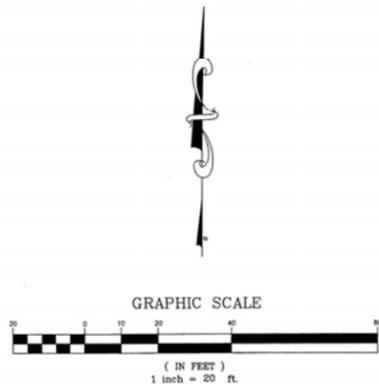
LOT AREA: 36,960 sq. ft. 264' x 140'

**Notes:**

1. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS SURVEYING, INC. TO DETERMINE TITLE OR EASEMENTS OF RECORD. THIS MAP DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS MAP; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS MAP BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. 18-4-508.

**Contiguity**

TOTAL PERIMETER.....808.00'  
1/4 PERIMETER.....134.67'  
PERIMETER CONTIGUOUS TO CITY LIMITS.....404.00'

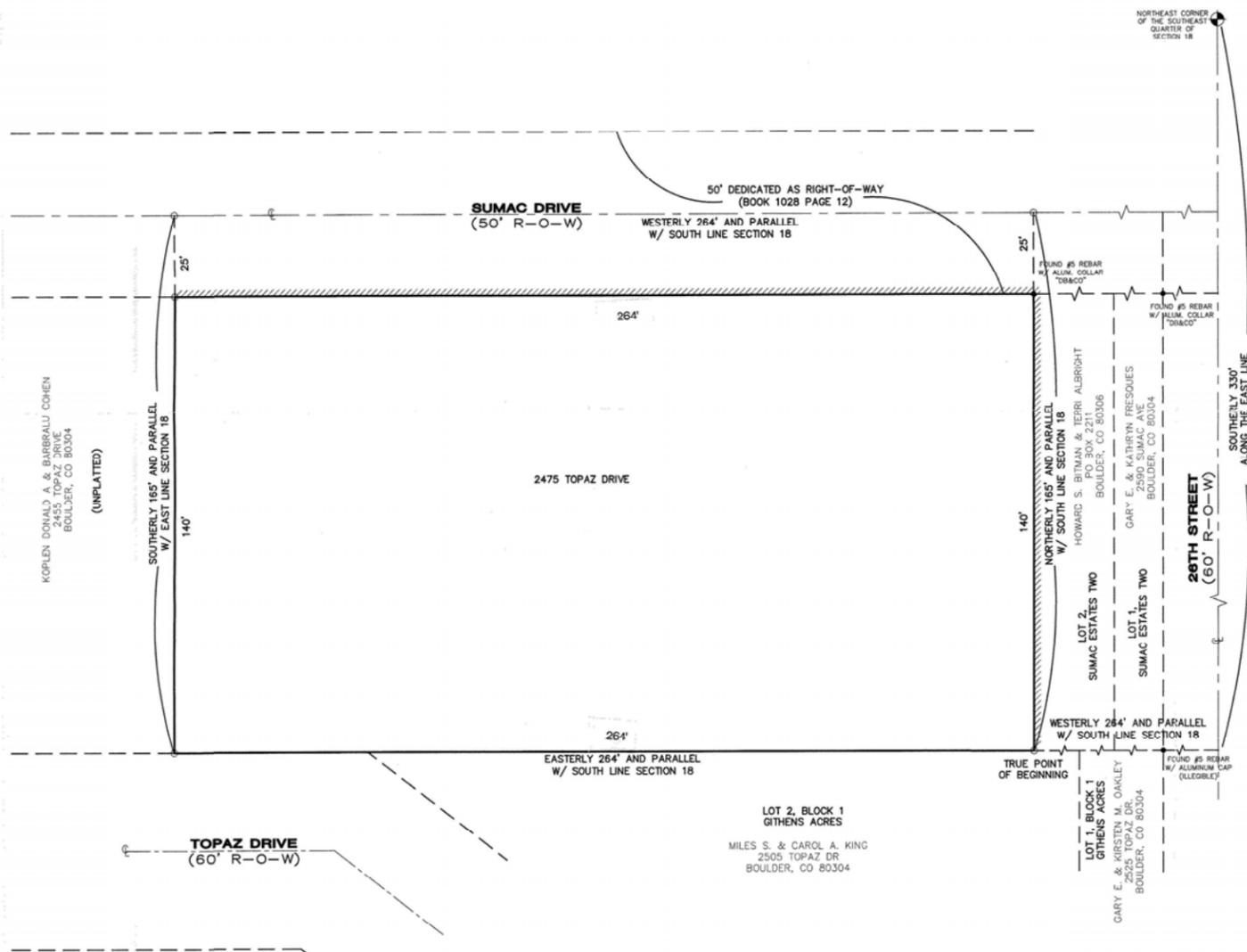


**Legend**

- FOUND MONUMENT AS SHOWN & DESCRIBED HEREON
- MONUMENT NEITHER FOUND NOR SET
- ////// CURRENT LIMITS OF THE CITY OF BOULDER

**Parcel Description**  
(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.



**Surveyor's Statement**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS SURVEYING, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 1, 2004, AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THE LAND PROPOSED FOR ANNEXATION IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16408  
PRESIDENT, FLATIRONS SURVEYING, INC.

Annexation Map		
Property: 2475 TOPAZ DR		
ANNEXATION / INITIAL ZON'G.		
Submission Date: 02-06-12		
SHEET 1 OF 1		
DRAWN BY: K. CLIFFORD	Flatirons Surveying, Inc.	10 5/9/07
DATE: DECEMBER 02, 2004	5717 ARAPAHO ROAD BOULDER, CO 80303	INT: DATE:
FSI JOB NO. 04-47,463-A	655 FOURTH AVENUE LONGMONT, CO 80501 PHONE: (303) 443-7001 FAX: (303) 443-9830 www.Flatirons.com	REVISIONS:
	CHECKED BY: RAR/NV/ETB/SCB	

**Attachment D  
Annexation Agreement**

For Administrative Use Only  
Applicant: Curlander Holdings LLC  
Case No. LUR2004-00086

ANNEXATION AGREEMENT

THIS AGREEMENT, made this 12 day of November, 2012, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and Curlander Holdings, LLC, a Colorado limited liability company, hereinafter referred to as "Applicant:"

RECITALS

A. The Applicant is the owner of the real property generally described as 2475 Topaz Drive, Boulder, CO and more particularly described on Exhibit A, included by reference and hereby made a part of this Agreement (the "Property");

B. The Applicant is interested in obtaining approval from the City of a request for the annexation of the Property with an initial zoning designation of Rural Residential – 1 (RR-1);

C. Consistent with Policy 1.24(b) of the Boulder Valley Comprehensive Plan, the City finds it desirable to actively pursue annexation of county enclaves in order to provide adequate urban services to 2475 Topaz; and

D. The City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth and other good and valuable consideration herein received for, the parties agree as follows:

1. Requirements. Prior to first reading of the annexation ordinance before City Council, the Applicant shall:
  - a. Pay the Storm Water and Flood Management Plant Investment Fee of \$6,338.58;
  - b. Pay the outstanding assessment of \$3,273.60 for the 8-inch water main in Sumac Avenue;
  - c. Pay the outstanding assessment of \$1,235.52 for the 8-inch wastewater main in Sumac Avenue;

- d. Sign and file an application, and pay the applicable fees, for inclusion in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District; and
  - e. Sell or execute an Option to Purchase Agreement in the form shown on the attached Exhibit B to grant the City the option to purchase the Applicant's one share of Silver Lake Ditch & Reservoir Company pursuant to the Settlement Agreement between the City of Boulder and The Silver Lake Ditch & Reservoir Company dated December 1, 2009 recorded at Reception No. 03046201 on December 7, 2009 in the office of the Boulder County Clerk and Recorder.
2. Connection to City Utilities. The Applicant agrees to comply with all of the rules, regulations, rate requirements, and all other requirements of the water, wastewater, and stormwater and flood control utilities. The Applicant shall connect to City water and sewer prior to any of the following:
    - a. Issuance of a certificate of occupancy on any building permit issued for the construction of any structure requiring the use of potable water and/or waste disposal;
    - b. Any occupancy or use of the existing structure; or
    - c. Any other use of the Property requiring a potable water and/or waste disposal.
  3. Plant Investment Fees. Prior to connecting to City water or sewer services, the Applicant shall pay the applicable Water and Wastewater Plant Investment Fees and utility connection fees.
  4. Disconnection of Septic System. Within 180 days of a wastewater service line connection on the Property, the Applicant shall abandon the existing septic system in accordance with Boulder County Health Department and State of Colorado regulations.
  5. Existing Wells. The City agrees that it will not prohibit the Applicant from using existing wells for irrigation purposes. Under no circumstances may existing wells be used for domestic water purposes. No person shall make any cross connections to the City's municipal water supply system from any well on the Property.
  6. New Construction. The Applicant shall ensure that all new construction commenced on the Property after annexation, shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement. Any new structure shall front on Sumac Avenue.
  7. Address Change. Prior to application of a building permit or subdivision, the Applicant shall coordinate with the City to change the property address from Topaz Drive to Sumac Avenue.

8. Existing Dwelling Unit. The parties acknowledge and agree that the existing dwelling unit on the Property may or may not be demolished.
  - a. If the existing dwelling unit is not demolished prior to first reading of the ordinance annexing this Property, then the Applicant shall execute and deliver to the City a restrictive covenant in the form attached as Exhibit C that the existing dwelling unit shall be secured in a safe manner and shall not be occupied until it is either demolished or connected to City water and wastewater services.
  - b. When the existing structure is demolished, then the Applicant will maintain credit for any taxes that such Applicant would be entitled to under the Boulder Revised Code had the building not been demolished prior to the effective date of the annexation ordinance. The Applicant will maintain such credit until the existing structure is replaced by a new structure.
9. Property Clean-up. The Applicant agrees to remove discarded building materials located primarily on the eastern portion of the parcel and downed trees and dead wood throughout the parcel within the earlier of the following: 180 days after the effective date of the annexation ordinance, or prior to application for a building permit for a dwelling unit.
10. Drainage. The Applicant shall convey drainage from the Property in a historic manner that does not materially and adversely affect abutting property owners.
11. Waiver of Vested Rights. The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's police powers or the power to zone and regulate land uses for the benefit of the general public.
12. Permanently Affordable Housing Conditions. The parties acknowledge that 2475 Topaz has the equivalent of one dwelling unit on the Property at the time of annexation. The City agrees that the Applicant shall have one inclusionary housing exemption which may be used for one dwelling unit (including the existing dwelling or for one replacement of the existing dwelling unit) without regard to the time limits described by subsection 9-13-3(e)(1), B.R.C. 1981.
13. Breach of Agreement. In the event that the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under the Covenants of this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C., 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C.R.S.,

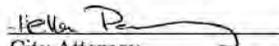


CITY OF BOULDER, COLORADO

By: \_\_\_\_\_  
Jane S. Brautigam,  
City Manager

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Date: 10-30-2017

EXHIBITS

- |           |  |
|-----------|--|
| Exhibit A | Legal Description  |
| Exhibit B | Option to Purchase Silver Lake Ditch and Reservoir Company Share |
| Exhibit C | Restrictive Covenant   |

## Exhibit A

### **Parcel Description**

(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.



Exhibit B

**OPTION TO PURCHASE  
SLD&RC SHARE ASSOCIATED WITH  
VOLUNTARILY ANNEXED SLD IRRIGATED PROPERTY  
PARCEL NO. 208, 2475 Topaz Drive**

**Curlander Holdings, LLC, a Colorado limited liability company, as Property Owner** of Silver Lake Ditch ("SLD") Irrigated Property Parcel No. 208, 2475 Topaz Drive, Boulder, Colorado, legally described on Exhibit A attached hereto and incorporated by reference herein, does provide this Option to Purchase to the City of Boulder, Colorado, a home rule city of the State of Colorado ("City"), in accordance with the terms of Section II, Voluntary Annexation, of the Settlement Agreement of December 1, 2009 between the City and The Silver Lake Ditch & Reservoir Company ("SLD&RC"), recorded at Reception No. 03046201 in Boulder County, Colorado ("Settlement Agreement"), this 12 day of November, 2012, as follows:

1. The City shall have the Option to Purchase 1.00 SLD&RC Share associated with SLD Irrigated Property Parcel No. 208, along with the rights, and only the rights, represented by such SLD&RC Share to receive a certain amount of water from the Reserved Storage Rights.
2. The City shall have the right to exercise this Option to Purchase within 60 calendar days immediately after receiving a Transfer Notice from SLD&RC of a Non-Nuclear Transfer ("Initial Option Exercise Period") or confirmation of a Non-Nuclear Transfer through means other than receipt of a Transfer Notice from SLD&RC ("Alternative Initial Option Exercise Period"), as the case may be, in accordance with the terms of the Settlement Agreement.
3. If the City determines not to exercise the Option to Purchase during the Initial Option Exercise Period or Alternative Initial Option Exercise Period, as the case may be, the City may subsequently exercise this Option to Purchase within 60 days immediately following each annual anniversary of receipt by the City of the Transfer Notice from SLD&RC or of the City's receipt of confirmation of a Non-Nuclear Transfer of SLD Irrigated Property through means other than a Transfer Notice from SLD&RC.
4. This Option to Purchase shall be recorded with the Boulder County Clerk and Recorder.
5. If the City does exercise this Option to Purchase, the then current owner(s) of the SLD Irrigated Property may lease water to the extent such lease is authorized in paragraph 6.B.viii of the Settlement Agreement.



Exhibit A  
to Option to Purchase  
SLD&RC Share

**Parcel Description**

(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.

Exhibit C

For Administrative Use Only  
Address: 2475 Topaz Drive  
Owner: Curlander Holdings LLC  
Case No. LUR2004-00086

**Restrictive Covenant**

This Restrictive Covenant ("Covenant") is made and entered into this 12 day of November, 2012, by and between the City of Boulder, a Colorado home rule City (the "City"), and Curlander Holdings, LLC, a Colorado limited liability company (the "Owner") with reference to the following:

- A. The Owner is the fee owner of that certain real property located at 2475 Topaz, Boulder, Colorado, and more particularly described as on Exhibit A attached hereto and incorporated herein by reference (the "Property").
- B. The Owner has made an application to annex the Property into the City.
- C. The Owner acknowledges that there is a dwelling unit on the Property ("Structure").
- D. Pursuant to the proposed terms of the annexation agreement, the Owner desires to enter into this Covenant to not occupy and properly secure the Structure.
- E. The City desires to enter into this Covenant to ensure that the Structure is not occupied and that is secured in a safe manner until such time that it may be demolished or connected to water and wastewater services.

NOW THEREFORE, in consideration of the foregoing recitals, and other good and valuable consideration, the receipt of which the Parties hereby acknowledge, the Parties hereby agree as follows:

- 1. For so long as the Structure exists and it is not connected to City water and wastewater services, the Owner agrees to the following:
  - a) The Owner shall not permit or allow the Structure to be occupied.
  - b) The Owner shall secure the Structure as required by IBC Sec. 115 by fastening ½" OSB or plywood at six inches on the perimeter, or through-bolting the

plywood to double 2x4" boards on the inside of the wall or an equivalent as approved by the City's Building Official.

If the Owner fails to secure the Structure, the Owner grants to the City a right of entry to secure or demolish the Structure and to charge the Owner for the cost of same.

2. In the event that the Owner breaches or fails to perform any required action under or fails to pay any fee specified under this Covenant, the Owner acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Owner fails to pay any monies due under this Covenant or fails to perform any affirmative obligation hereunder, the Owner agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Owner, and collect its costs in the manner herein provided. The Owner agrees to waive any rights Owner may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance for this Property is such an enabling ordinance.
3. The terms of this Covenant are for the benefit of the Property, shall run with the Property, and shall benefit and be binding upon (i) each successive owner of the property during its ownership of all or a portion of the Property; and (ii) each person having an interest therein derived through any owner thereof, so long as said Structure shall remain thereon or unless the Covenant is otherwise released by the City.
4. This Covenant shall be recorded in the Office of the Boulder County Clerk and Recorder, State of Colorado, in order to put prospective purchasers of the Property or other interested parties, on notice of its terms.



Exhibit A  
to Restrictive Covenant

**Parcel Description**

(PROVIDED BY CLIENT)

A PARCEL OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 330 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 165 FEET; THENCE EASTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 264 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER BY INSTRUMENT RECORDED OCTOBER 23, 1956 IN BOOK 1028, PAGE 12, COUNTY OF BOULDER, STATE OF COLORADO.

**Attachment E**  
**Guidelines for Annexation Agreements**

**City of Boulder**  
**Guidelines for Annexation Agreements**  
-Individual Annexations of Mostly Developed Residential Properties  
in Area II-

*June 25, 2002*

**I. Background:**

The purpose of these guidelines is to provide general direction for negotiating annexation agreements with individual landowners of mostly developed residential properties in Area II. They are intended to clarify city expectations in individual annexations. These guidelines have been endorsed by Planning Board and City Council and are a reference for city staff, landowners, Planning Board and City Council in future individual annexation negotiations.

The Boulder Valley Comprehensive Plan provides a framework for annexation and urban service provision.

With the 2001 update to the BVCP, Annexation Policy 1.25 was amended to provide more clarity about annexations. The amendments to the policy included the following:

- Direction for the city to actively pursue annexation of county enclaves, Area II properties along the western boundary, and other mostly developed Area II properties;
- Direction to the county to attach great weight to the city's input on development in enclaves and developed Area II lands and to place emphasis on conforming to the city's standards in these areas; and
- A policy that developed parcels proposed for annexation that are seeking no greater density or building size should not be required to provide the same level of community benefit as vacant parcels until more development of the parcel is applied for.

In order to reduce the negative impacts of new development in the Boulder Valley, the BVCP states that the city shall annex Area II land with significant development or redevelopment potential only on a very limited basis. Such annexations will be supported only if the annexation provides a special opportunity to the city or community benefit.

These guidelines apply primarily to mostly developed residential properties in Area II. In most of these cases, the city would not request a community benefit with the annexation. However, a few of the properties that are currently developed in the county may have further development potential once annexed into the city. These guidelines further refine the BVCP Policy 1.25 by specifically outlining which properties will be asked to provide

community benefit upon annexation and what form of community benefit may be requested by the city.

**II. General Principles of Individual Annexations of Mostly Developed Residential Properties:**

- A. In terms of the city's interests, the benefits of annexing mostly developed residential properties in Area II outweigh the costs.
- B. The city has a strong desire to annex many of the residential properties in Area II because of the potential environmental and health issues associated with well and septic systems.
- C. The basic fees associated with annexation (plant investment and impact fees) should not be reduced for individual property owners seeking annexation (although financing and payback may be negotiated).
- D. The city has a legal obligation under state law to annex enclaves at the request of the property owner without terms and conditions beyond those required through existing ordinances.
- E. The city may apply additional terms and conditions to enclaves only through negotiation with the property owner. (Use caution when applying community benefit).

**III. Principles of Applying City Community Benefit Policy:**

- A. Community benefit should only be applied to properties with additional development potential.
- B. For the purposes of these guidelines, additional development potential includes the ability to subdivide the property and/or build at least one additional unit on the property. Additional development potential **does not** include the ability to add on to an existing house or to replace an old house with a new one (scrape-offs).
- C. Although emphasis is placed on affordable housing, community benefit is not restricted to housing. An affordable housing benefit should be balanced with other benefits such as land or property dedications (landmarking, flood and open space easements) or other restrictions that help meet BVCP goals.
- D. The city should strive for consistency in applying the affordable housing requirement to properties with additional development potential. In areas where new affordable units are appropriate (Crestview East), restrictions should be placed on the affordability of the new units. In areas where new affordable units are not appropriate or feasible, (Gould Subdivision, 55<sup>th</sup> St. enclaves), the applicant should be requested to pay two times the cash contribution in-lieu of providing on-site affordable housing.

**IV. Framework for Basic Annexation Conditions for All Properties:**

- A. Inclusion in the Boulder Municipal Subdistrict and the Northern Colorado Water Conservancy District.

- B. Assessment for waterline and sanitary sewer along street frontage (either existing or to be constructed).
- C. Development Excise Tax (DET).
- D. Storm Water and Flood Management Utility Plant Investment fees.
- E. Water and Wastewater Utility Plant Investment Fee.
- F. Dedication to the city of right-of-way for streets, alleys, water mains, and/or fire hydrants.
- G. Agreement to participate in their pro rata share of any future right-of-way improvements (paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections).
- H. Properties with Silver Lake Ditch rights: The city would ask the property owner to sell all interests in the ditch company to the city.
- I. Properties with other ditch rights: The city would ask for the first Right of Refusal for any ditch rights associated with the property.

**V. Application of Community Benefit**

**A. Guidelines for properties within the flood conveyance zone or with an open space or natural ecosystem land use designations.**

- 1. The city would request dedication of an open space conservation easement for any portion of the site with a BVCP Open Space or Natural Ecosystem land use designation.
- 2. The city would request dedication to the city of a stormwater and floodplain easement for any portion of the site located within the flood conveyance zone.

**B. Guidelines for properties with additional development potential.**

The guidelines below are based on the definition of development potential as the potential for a property to be subdivided or for additional units to be built on the property. Although the terms of the community benefit requirement may be negotiated on a case-by-case basis, the following are the general guidelines for requesting community benefit:

- 1. A community benefit requirement in the form of two times the cash in-lieu contribution as set forth in the city's inclusionary zoning ordinance to the Housing Trust Fund would be negotiated with property owners in ER and RR zones.
- 2. For properties in LR and MR zones, a condition would be negotiated that a certain percentage of any new dwelling units be made permanently affordable to various income groups (see specific guidelines for each property group below).

3. For enclaves, the affordable housing request should be consistent with similar annexations in the area (see specific guidelines for each property group below).
4. For edge properties, the cash-in-lieu requested would be two times that required under the inclusionary zoning ordinance.

**C. Guidelines for specific property areas.**

**1. Enclave – Crestview East**

- a. All properties:
  - Request that the applicant demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.
- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.
- c. Properties with subdivision potential – split MR/LR zoning:
  - 50% of any newly constructed units should be permanently affordable to low and middle income households.
- d. Properties with subdivision potential – split LR/ER zones:
  - 25% of any newly constructed units should be permanently affordable to middle income households; and
  - Market rate units permitted on site should pay twice the applicable cash-in-lieu amount required by inclusionary zoning provisions.
- e. Properties with subdivision potential – ER zones:
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit (prior to building permit).

**2. Enclave – Githens Acres and other miscellaneous North Boulder enclave properties.**

- a. All properties:
  - Request that the applicant demonstrates compliance with the North Boulder Subcommunity Plan Design Guidelines upon

redevelopment or other applicable developed zoning district standards.

b. Properties along Fourmile Canyon Creek:

- Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan.

**3. Enclave – Pennsylvania Ave.**

a. Three properties along the Wellman Canal (5255, 5303, and 5101):

- Attempt to secure through negotiation, dedication of a trail easement to the city to meet the objectives of the city’s Transportation Master Plan.

b. For all properties:

- Request payment for share of sidewalk improvements along Pennsylvania Ave.

**4. Enclave – 55<sup>th</sup> St.**

a. Property with an MR land use designation (1415 55<sup>th</sup> St.):  
If zoned LR-D,

- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit. (at the time of building permit) or;
- Any newly constructed units must be permanently affordable to middle income households.

If zoned MR-D,

- 50% of any newly constructed units must be permanently affordable to low and middle income households.

b. Properties with an LR land use designation and further development potential (994, 836, 830 55<sup>th</sup> St. and 5495 Baseline Rd.):

- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (at the time of building permit).

**5. Gould Subdivision**

- a. Three properties with additional development potential (2840 Jay Rd., 2818 Jay Rd., 4040 28<sup>th</sup> St.):
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit.

**6. Western Edge**

- a. Two properties with a VLR land use designation and development potential (0 Linden Dr., and 3650 4<sup>th</sup> St.):
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of subdivision).
- b. Properties at 3365 4<sup>th</sup> St., 3047 3<sup>rd</sup> St., 2975 3<sup>rd</sup> St., and 2835 3<sup>rd</sup> St.:
- An open space conservation easement, for the portion of the property that is west of the Blue Line, should be dedicated to the city.

**7. Old Tale Rd./Cherryvale Rd.**

- a. Properties along South Boulder Creek:
- Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: December 18, 2012**

**AGENDA TITLE** Transportation Funding Check-in on the Progress of the Transportation Maintenance Fee (TMF) Task Force

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Maureen Rait, Executive Director of Public Works  
Tracy Winfree, Director of Public Works for Transportation  
Michael Gardner-Sweeney, Transportation Planning and Engineering Coordinator  
Kathleen Bracke, GO Boulder Program Manager  
Randall Rutsch, Senior Transportation Planner  
Noreen Walsh, Senior Transportation Planner  
Chris Hagelin, Senior Transportation Planner  
Fred Kellam, Financial Analyst  
Erin Poe, Assistant City Attorney

**EXECUTIVE SUMMARY:**

In 2012, council endorsed staff and the Transportation Advisory Board (TAB) to form a community task force to study and formulate options for a potential Transportation Maintenance Fee (TMF) and to consider other options to address the city's significant unfunded transportation operations and maintenance (O&M) needs. In preparation for an April 2013 Study Session, staff is providing an update on the progress of the Task Force, and seeking additional input to make sure the City Council is comfortable with the range and focus of the TMF prior to seeking additional public input.

The task force has worked with TAB over the last several months to develop options for council consideration. TAB members served as leaders of the task force sub-groups to provide opportunities for more in-depth discussions and review of the various TMF-related options. Task force members include a broad representation of community and business leaders. These options include suggestions for potential TMF funding levels, rate structures, incentives and/or rebates, public outreach strategies, as well as suggestions regarding additional financing sources for future consideration.

The TAB and TMF Task Force recommendations and issues for further consideration by Council include:

1. A set of guiding principles for designing a viable TMF:
  - a. The approach to a TMF should be pragmatic and measured.
  - b. A TMF should focus on maintaining the City's most valuable asset, its transportation infrastructure, by focusing on basic operations/maintenance funding, rather than behavior change.
  - c. A TMF should be flexible to respond to changing funding needs in the future. The Task Force expressed the need to index the fee to inflation and/or construction costs.
  - d. Keep it simple: To effectively communicate to residential and commercial property owners and the public why a TMF is needed and how it will be assessed, the design of the TMF needs to be straight-forward and easy to understand.
  - e. The rate structure of a TMF should provide a clear justification with respect to user impacts on the transportation system. A viable fee should avoid components that impact the rational nexus between use/impact and the fee, open the fee to legal challenges, and could be difficult to clearly communicate to the community.
  - f. A TMF is one piece of the transportation funding puzzle, and doesn't have to, and likely can't, solve all transportation funding needs.
2. An option of implementing a TMF that solely funds pavement maintenance or one that also includes other routine maintenance of transportation infrastructure, such as the maintenance of our multi-use path and sidewalk systems.
3. A rate structure that generates between \$2.5m and \$5.6m per year for infrastructure O&M.
4. The understanding that Council will need to make a political decision on whether or not certain properties are exempt from a TMF weighing their impact on the transportation system and economic importance.
5. Implementing a TMF without discounts or rebates with the possible exception of a rebate for low-income households.
6. The understanding that Council decisions on exemptions and discounts has an impact on the tax versus fee issue.

Based on the TAB and Task Force discussions and recommendations, staff is seeking input from City Council prior to moving forward with public outreach. Feedback received from council will help shape the community engagement process and further discussions by the TAB and Task Force in 1<sup>st</sup> quarter 2013. This information will be presented to council for further discussion at an April 2013 Study Session.

Background materials and additional information on the TMF Task Force can be found at: [www.bouldercolorado.gov/transportation/funding](http://www.bouldercolorado.gov/transportation/funding). Throughout this memo, this online resource is referred to as the Transportation Funding web page

## **FISCAL IMPACT**

The information provided in this memo does not have any direct fiscal impact. It is intended to serve as supplemental information regarding the ongoing process to address transportation funding. If the some type of transportation-funding mechanism is approved there would be a fiscal impact. These impacts may include direct costs to the community in providing new revenues, offset by the long-term fiscal benefits of adequately maintaining and enhancing the transportation system.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic**: The safe and efficient movement of goods and people is essential to Boulder’s economy. The costs of maintaining roads and other facilities are increasing as sales tax revenue and purchasing power are decreasing. Without additional funding for transportation, the condition of our transportation infrastructure will decline.
- **Environmental**: Safe, convenient and reliable transportation options are necessary to reduce single-occupant vehicle use and transportation-related emissions, and to otherwise meet the goals of the Transportation Master Plan (TMP) and Climate Commitment. Without additional transportation funding, there will be less money available to maintain and enhance the city’s transportation system.
- **Social**: A properly maintained multimodal transportation system benefits all members of the public.

## **BOARD FEEDBACK:**

At its Dec. 3, 2012 meeting, TAB was presented the information in this memo and provided the following statement:

“TAB continues to recommend the assessment of a Transportation Maintenance Fee to help address the growing gap between the City’s current transportation expenditures and its essential transportation funding needs. TAB relies on its own work and the work of three different citizen groups in making this recommendation. One of these groups, a task force that included a broad base of stakeholders, has worked during the past six months to examine the challenges of designing a revenue source mechanism that would provide the City with more stable and sustainable funding. TAB and the other task force members have concluded that *the shortfall will negatively* affect the City’s ability to meet its essential priorities, particularly in the areas of operations and maintenance, as set forth in the TRANSPORTATION MASTER PLAN.

TAB recognized this problem several years ago and recommended a transportation maintenance fee to council. Now TAB and Community Stakeholders have crafted a *measured TMF proposal* for Council’s consideration. It is *specific to pavement*

*maintenance.* Through the public process, we have identified community support for this reasonable and targeted approach.

In its deliberations on our proposal, Council may wish to consider whether the City should pursue a fee or a tax, whether there should be any categorical exemptions, and whether there should be any incentives or rebates. Each choice will have significant implications as to who is required to pay and how much. TAB encourages the Council to weigh the long-term potential consequences of each decision, and to arrive at a solution that will allow the City more rather than less flexibility in shaping the revenue source for years to come. TAB and the task force support the premise of raising revenues from individuals and entities based on a demonstrable nexus to use of transportation infrastructure. TAB believes that a fee rather than a tax may offer the City more flexibility. We envision with as few exemptions and rebates as possible in order to create a more equitable and transparent funding system. TAB remains willing to assist Council, as needed, to understand that we and the task force have done, particularly in the last six months, on this issue. We remain committed to helping the Council and the City to create this new funding source to enable the City to meet, or at least come closer to meeting, its transportation objectives for years to come.”

### **BACKGROUND:**

Boulder has continued to make progress on implementing the Transportation Master Plan. Transportation funding is one of the key focus areas of the city’s Transportation Master Plan and City Council, TAB, staff, and community stakeholders have been discussing this important topic for several years.

Boulder has achieved great progress to-date through joint efforts by the city and our community partners to build out the multimodal transportation network, including near completion of the bikeway system, recent Capital Bond Initiative, the Broadway/Euclid underpass project, and Boulder Junction. These projects demonstrate Boulder’s strong ability to leverage one-time capital project funding through local, regional, state, and federal partnerships and grant funding. For more detailed information regarding transportation accomplishments to-date, please see the city’s “Report on Progress”: [www.bouldertransportation.net](http://www.bouldertransportation.net). To provide City Council with the necessary context of overall city funding, **Attachment D** contains a list of current Sales and Use Taxes and their expiration dates.

While these projects – and many others - serve as great examples of accomplishments achieved to-date by the City and Boulder community, there remains work to be done to secure on-going, local funding to protect and maintain the community’s investment in these key infrastructure improvements. The maintenance of capital assets is widely accepted prudent financial policy.

The TMF provides a stable source of revenue that can be used to maintain streets, sidewalks, pedestrian crossings, bike lanes, multi-use paths, and medians. A TMF is a funding source that can work in tandem with the city’s existing and future financial strategies to support the community’s short-term and long-range transportation system.

In January 2012, City Council endorsed the formation of a community task force to provide input to staff and TAB on designing a viable TMF that aligned with the TMP goals and community values to address the city's multi-modal transportation system O&M funding needs, and to further examine additional funding mechanisms that could compliment or replace a TMF.

The 2012 Task Force work was built upon the 2009 Transportation Funding Report and the earlier Blue Ribbon Commissions and explored in more detail potential funding sources to meet the needs of the city's growing transportation investment shortfall. Based upon the reports and Study Sessions with City Council since 2009, the most viable revenue sources include a TMF, development excise taxes and market-based revenue opportunities.

This memo provides an update on the progress of the 2012 TMF Task Force and includes questions for council that will provide further guidance to staff, TAB and the task force in preparation for an April 2013 Study Session.

The Transportation Funding web page provides additional information on the task force (and sub-group) meetings, including materials provided. For more information, visit [www.bouldercolorado.gov/transportation/funding](http://www.bouldercolorado.gov/transportation/funding).

### **RECOMMENDATIONS OF THE TASK FORCE:**

Following the January 2012 council meeting, staff and TAB formed a task force composed of a variety of community and business leaders. Some task force members have extensive knowledge of transportation funding from previous commissions and task force participation. Others are new to the issues and have provided a fresh outlook on transportation funding and community impacts. A roster of task force members is provided in **Attachment C**.

The first TMF Task Force workshop was held on June 25, 2012. Staff presented background information about transportation finance work completed to date and an overview of the current O&M funding challenges. The task force's facilitator led the participants through a small-group exercise to identify viable revenue levels and the specific O&M activities that could potentially be funded by a TMF. To complete the work of the task force, four subgroups were formed at the end of the first workshop.

Each subgroup is led by a TAB member, and include: 1) Rate Structure; 2) Discounts and Rebates; 3) Public Outreach; and 4) Other Finance Mechanisms. These subgroups met throughout the summer and fall to develop and discuss various options.

A second task force workshop was held on Nov. 1, 2012 and included presentations by the subgroups and exercises designed to achieve group consensus on the characteristics of a viable TMF. The result of the second workshop is a set of guiding principles for a viable TMF, and recommendations on revenue and rate levels, the O&M activities to be covered by a TMF, exemptions and discounts.

### Guiding Principles

The TAB and Task Force understands that additional funding is needed to maintain our transportation infrastructure and that a TMF is a viable finance mechanism that would provide a reliable source of funding to help maintain our transportation infrastructure. The guiding principles agreed upon by the TAB and Task Force are meant to define the characteristics of a viable TMF for the City of Boulder. These guiding principles include:

1. The approach to a TMF should be pragmatic and measured.
2. A TMF should focus on maintaining the City's most valuable asset, its transportation infrastructure, by focusing on basic operations/maintenance funding, rather than behavior change.
3. A TMF should be flexible to respond to changing funding needs in the future. The Task Force expressed the need to index the fee to inflation and/or construction costs.
4. Keep it simple: To effectively communicate to residential and commercial property owners and the public why a TMF is needed and how it will be assessed, the design of the TMF needs to be straight-forward and easy to understand.
5. The rate structure of a TMF should provide a clear justification with respect to user impacts on the transportation system. A viable fee should avoid components that impact the rational nexus between use/impact and the fee, open the fee to legal challenges, and could be difficult to clearly communicate to the community.
6. A TMF is one piece of the transportation funding puzzle, and doesn't have to, and likely can't, solve all transportation funding needs.

### **QUESTION 1: DOES COUNCIL ENDORSE THE GUIDING PRINCIPLES THAT TAB AND THE TMF TASK FORCE ARE PROPOSING? TMF SCENARIOS AND OPTIONS FOR CONSIDERATION**

In this section, various TMF scenarios and options are summarized that have been discussed by the task force. Council input on the options is needed to advance them as part of a public outreach process prior to the April 2013 Study Session.

#### TMF Revenue Levels and O&M Activities

To begin designing a TMF, the task force was provided with information on current O&M spending and unfunded needs. The O&M activities were divided into three categories; Pavement Maintenance, Routine Maintenance and Transit Service Support. Eco Pass and TDM Support was initially included in Routine Maintenance, but was eventually discussed as a separate activity. **Table 1 of Attachment A** shows the current spending and unfunded needs by O&M activity used by the task force in their discussions. **Tables 2 and 3 of Attachment A** shows the estimated rates of all the funding level scenarios discussed by the task force and Rate Structure Subgroup. **Tables 4 and 5 of Attachment A** shows the estimated impact on sample businesses for the different scenarios discussed by the subgroup.

Task force members agree that the main purpose of a TMF is to fund the maintenance of transportation infrastructure and, in particular, pavement maintenance. As a result, the task force recommends a TMF that funds pavement maintenance. A TMF that covers both the estimated

funding gap and current spending (depending on the amount of revenue collected) would be the most viable design. A TMF focused on pavement maintenance:

- Aligns with ‘pragmatic,’ ‘measured’ and ‘keep it simple’ guiding principles;
- Has the strongest rational nexus between use and fee;
- Is the easiest to explain to residential and commercial property owners;
- Funds the maintenance of most valuable city asset: our roadway infrastructure; and
- Would enable the city to reallocate dedicated sales tax revenue to address other O&M gaps and transportation needs.

However, the task force also agreed that other maintenance activities, such as maintenance of the multi-use path system, sidewalks and medians, roadway re-striping, snow removal, and signing, could also be included with pavement maintenance. No matter where the rates and associated revenue end up, the task force recommends that the TMF focus on infrastructure maintenance with the option of focusing on pavement maintenance or including other infrastructure maintenance activities.

In general, the task force did not support the inclusion of Transit Service Support and TDM/Eco Pass Program Support for TMF revenue. The inclusion of these programs and services may compromise the rational nexus needed to support a fee that is associated with maintenance of physical infrastructure. There also was concern that spending TMF revenue on transit service “lets RTD off the hook” for the service they should provide through existing sales taxes. The task force also agreed that Eco Pass support needs to be addressed as part of the Community-wide Eco Pass Feasibility Study that the city and Boulder County have funded for 2013. Another alternative perspective is that Transit Service Support and TDM/Eco Pass Program Support could be excluded from an initial TMF but could be added in a phased approach.

Under either a pavement maintenance-focused option or an option that also includes other maintenance activities; the task force supports a range of rate levels that would generate between \$2.5 million and \$5.6 million per year for transportation maintenance. The low end of the range would cover the estimated pavement/routine maintenance funding gap, while the upper end would cover both current spending on pavement maintenance and the estimated funding gap. The majority of task force members support a range of rate levels that would generate between \$2.5m and \$3.2m per year. The task force understands that ultimately the rates and how to spend the revenue collected is a council-made decision.

*Question 2: Are the TMF scenarios presented, the right range of options to test in the public outreach process that will occur during early 2013?*

### TMF as Fee or Tax

According to the task force, whether a TMF should be implemented as a fee versus a tax is an issue to be decided by council. Based on the discussions between TAB and task force, the recommendation is to consider a TMF as a fee. Fees can be more flexible, rather than as a tax which may be more limited in its application, particularly in making future changes or adjustments to the amount of revenue collected. For example, a fee could be indexed to

inflation. According to initial consultation with the City Attorney's Office (CAO), fees can typically be assessed on local, state and federal government agencies, while taxes can be avoided by local, state and federal governmental agencies and institutions. The city's consultant on the TMF design, Tischler-Bise, estimates that moving from a fee to a tax would result in a 20 percent decrease in potential revenue. Furthermore, how council addresses the issue of exemptions (discussed below) will directly impact the fee versus tax discussion. While exemptions may not be preferred, they are important for the City Council to consider.

*Question 3: Does Council support continuing to design the TMF to function like a fee rather than a tax?*

### Exemptions

Both the Rate Structure subgroup and the task force explored the impact of exemptions of municipal, state and federal agencies or institutions such as Boulder Valley School District, The University of Colorado, the City of Boulder and Boulder County governments, and the Federal labs. **Tables 6 through 9 of Attachment A** show the estimated rate implications on residential and commercial properties when local, state and federal agencies and government institutions are exempt from a TMF.

While the TAB and task force would prefer not to include exemptions, they understand the issue of exemptions as a political consideration that council will need to address. While each entity generates significant amounts of vehicle trips, the task force believes that it's important to take into account their current financial situations and economic importance to the community.

However, according to the CAO and the project consultant, if council decides to exempt certain properties from the TMF there is a risk that the TMF could be found to be a tax instead of a fee. In any case, if the TMF is implemented as a tax then state and federal government properties may be exempt.

### Discounts and Rebates

The Discounts and Rebates Subgroup has examined a wide variety of discounts and rebates for commercial and residential properties. The most viable and intuitive rebate identified were for Eco Passes since data is readily available and administration costs would be relatively low. The subgroup also recommended that the task force consider rebates for low-income residents, and possibly link the rebate to the current Food Sales Tax Rebate program.

Task force members had different opinions regarding discounts and rebates (as a strategy to rewarding households and businesses) for making particular travel behavior changes (and encouraging that travel behavior change) versus minimizing administrative costs and keeping the TMF based simply on covering basic O&M funding gaps. They questioned whether a variety of rebates and discounts only reward those doing the right thing or if it is possible to provide sufficient incentives that would encourage behavior change without negatively impacting revenue, raising rates, creating legal challenges or creating a cost-intensive bureaucracy. In regard to an Eco Pass discount, the task force felt that Eco Pass eligibility does not necessarily

translate into use and that the results of the Community-wide Eco Pass Feasibility Study will need to be taken into account. They did agree that with any discounts or rebates associated with a TMF, the administrative costs should be minimized and should not require a new expensive data collection or administrative process.

The consensus of the TAB and task force was not to include any discounts or rebates with the possible exception of a rebate for low-income households. The task force recommends that the council carefully consider the inclusion of any rebates or discounts. While they are based on good intentions, they are latent with downsides, including adding complexity to implementation and public outreach, and the cost of monitoring and administration.

*Question 4: Does council support advancing a rebate or exemption for low-income residents?*

### Public Outreach Strategies

The task force subgroup convened a meeting to discuss potential strategies and stakeholders for the upcoming public outreach process planned for first quarter 2013. This information was shared with TAB and both groups would like to recommend the following outreach efforts in advance of the City Council Study Session scheduled for April 2013:

#### Strategies – 1<sup>st</sup> Quarter 2013:

- Craft TMF position statement & key messages
  - Use Task Force Guiding Principles
  - What, why, why now, work to-date/history
  - Focus on informing/education
  - Clear, concise, and compelling
- Hold public meetings to inform, gauge interest and get feedback from broader community
- Meetings with community stakeholders
- Inspire Boulder website and social media, including online surveys and other tools to share information and gather input from the community
- Reach out to diverse audiences throughout the community

#### Stakeholders

- Business community and organizations (i.e. Chamber of Commerce Community Affairs Council)
- Neighborhood associations
- Community groups
- Non-profits
- Residential and commercial property owners, developers, realtors, rental housing
- Transportation providers or services
- Large Fed/State/local government agencies

Additional strategies and stakeholders will be included based on council feedback and staff team discussions. The intent is to offer a broad range of opportunities to share the TMF information

with the Boulder community and receive input to share with City Council at the TMF Study Session in April 2013.

*Question 5: Does Council support the proposed community outreach approach planned for first quarter 2013 in advance of the April 2013 Study Session?*

#### Other Finance Mechanisms

In addition to further exploring the TMF at the January 2012 Study Session, council asked staff to continue researching and evaluating other finance mechanisms that could either be used in conjunction with a TMF or replace it as a means to raise transportation revenue. It is the opinion of the TMF Task Force that other finance mechanisms were vetted by previous commissions and task forces and that the TMF is the most viable and the preferred finance mechanism to address the financial situation related to transportation O&M.

Following the first workshop, the subgroup assigned to examine other mechanisms was given a presentation by a member of the public on parking fees. The idea presented focused on giving employers (primarily conceived of being employers in individual office buildings or corporate campuses) the choice between paying a fee on existing parking spaces regardless of use or paying the fee to the city by charging their employees to park.

While a fee or tax on commercial parking spaces or use of parking by employees could generate revenue, the sub-group believes there are a number of problematic issues. The parking space fee presented to the sub-group would only be assessed on a portion of the total vehicle trips and a minority of commercial properties. If the tax or fee would be assessed on actual use of parking spaces by employees, there would be significant capital and operational costs of monitoring and enforcing the program by both the public and private sectors. Not only would the private business need to implement and maintain a parking management system, but surrounding parking on the public right-of-way would also need to be managed to prevent spillover. Lastly, businesses that lease their building space have no control of the parking supply or ability to remove parking spaces, originally required by the city's parking minimum standards, to reduce their fee.

The TAB and task force recommend that parking fees should be further examined during the inter-departmental work effort that will begin in 2013 on Parking and Access Management Strategies. The TAB and task force believe that parking is best considered in an overall policy context of access management rather than being evaluated with a focus on revenue. In addition, as part of the TMP update in 2013, staff, the task force and subgroups can further explore additional ideas for long-term transportation financing strategies that could be considered by council and the community in addition to the TMF discussions.

*Question 6: Does Council support the strategy of addressing parking management through an inter-departmental effort with results included in the TMP Update process and Parking Management work program?*

## **QUESTIONS FOR COUNCIL:**

- 1. Does Council endorse the guiding principles that TAB and the TMF Task Force are proposing?*
- 2. Are the TMF scenarios presented by staff the right range of options to test in the public outreach process that will occur during early 2013?*
- 3. Does Council support continuing to design the TMF to function like a fee rather than a tax?*
- 4. Does council support advancing a rebate or exemption for low-income residents?*
- 5. Does Council support the proposed community outreach approach planned for first quarter 2013 in advance of the April 2013 Study Session?*
- 6. Does Council support the strategy of addressing parking management through an inter-departmental effort with results included in the TMP Update process and Parking Management work program?*

## **NEXT STEPS**

Based on council direction, input from TAB and the Public Outreach Subgroup, staff will refine strategies to gather public input on potential TMF scenarios and issues prior to the April 2013 Study Session.

After receiving feedback at the Study Session, staff will provide council with recommendations on a potential TMF and other transportation finance mechanisms. If council decides to pursue a TMF, a proposed TMF implementation strategy (including language for a potential 2013 ballot item) would be presented to council in the 2<sup>rd</sup> Quarter of 2013.

### **ATTACHMENTS:**

- Attachment A: TMF Task Force charts and tables produced
- Attachment B: Update on the Task Force process
- Attachment C: List of TMF Task Force members
- Attachment D: Sales and Use Tax information

**ATTACHMENT A:**  
**Transportation Maintenance Fee Task Force Data Analysis – December 2012**

This attachment contains a summary of the Transportation Maintenance Fee (TMF) analysis based on data collected and analyzed by Tischler-Bise, a consultant, and city staff. This information was used by the Transportation Advisory Board (TAB) and TMF community Task Force to develop their recommendations to City Council on the design of an appropriate and viable TMF for the City of Boulder.

Table 1 lists current spending for categories of transportation operations and maintenance (O&M) activities and the estimated unfunded need. The unfunded need represents the amount of additional investment staff estimates is needed to bring the City's O&M activities up to standard quality levels based on industry best practices.

Tables 2 and 3 provide the estimated annual and monthly rates of a TMF for different land use categories, including residential and commercial properties. The rates are determined by the land use categories and associated vehicle trip rates derived from Institute of Transportation Engineers (ITE) Trip Generation Rate tables. ITE trip generation rates are considered the national standard for determining transportation impacts from various land use categories and these data tables are frequently used by municipalities which have implemented TMFs to calculate the fees. While absolute trip generation rates may be lower in Boulder due to our high alternative mode share for work trips, the relative rates for the various land use categories remain accurate.

Tables 4 and 5 below provide estimated annual and monthly impacts for sample commercial properties of different sizes. The sample businesses contained in the tables provide City Council with an estimate of the potential TMF costs for various types of commercial properties under the different TMF rate levels.

Based on the estimated impacts on residential and commercial properties, TAB and the TMF Task Force recommend a TMF that generates between \$2.5m and \$3.2m per year and is focused on maintenance of our transportation infrastructure.

Tables 6 and 7 provide estimated annual and monthly impacts for the three residential categories when local, state and federal governmental agencies are exempt from the TMF. The tables show that when governmental agencies are exempt, residential rates increase by approximately 21 percent.

Tables 8 and 9 provide estimated annual and monthly impacts on sample businesses when local, state and federal government agencies are exempt from a TMF. TAB and the TMF Taskforce recommend avoiding exemptions and maintaining the TMF as a fee.

**TABLE 1: O&M Current Spending and Unfunded Needs**

<b>Activity</b>	<b>Current Spending</b>	<b>Unfunded need</b>
Pavement Maintenance	\$4,000,000	\$1,600,000
Routine Maintenance		
Street Lighting	\$1,500,000	\$0 *
Signs and Markings	\$1,200,000	\$200,000
Sidewalk Maintenance	\$225,000	\$100,000
Bike Path Maintenance	\$510,000	\$0
Graffiti Removal	\$65,000	\$10,000
Medians	\$580,000	\$200,000
Snow Removal	\$920,000	\$100,000
Street Sweeping	\$430,000	\$100,000
Signal Maintenance	\$1,000,000	\$190,000
Eco Pass/TDM Service Support	\$670,000	\$200,000
<b>Subtotal</b>	<b>\$7,100,000</b>	<b>\$1,100,000</b>
Transit Service Support	\$1,800,000	\$500,000 **
<b>TOTAL</b>	<b>\$12,900,000</b>	<b>\$3,200,000</b>

\* Increasing cost of 9-10% annually

\*\* Increases to \$1,000,000 by 2020

**TABLE 2: Estimated Annual Rates of TMF Scenarios**

Category	Unfunded Pavement and Routine w/o Transit/TDM		Unfunded Pavement and Routine w/ Transit \$3,000,000 in Revenue		Unfunded Pavement and Routine w/ Transit/TDM \$3,200,000 in Revenue		All current and unfunded Pavement \$5,600,000 in Revenue	
	\$2,500,000 in Revenue							
Detached Housing Units	\$35.75	per unit	\$42.90	per unit	\$45.76	per unit	\$80.08	per unit
Attached Housing Units	\$24.40	per unit	\$29.28	per unit	\$31.23	per unit	\$54.66	per unit
Mobile homes	\$23.31	per unit	\$27.98	per unit	\$29.84	per unit	\$52.22	per unit
Commercial/Shopping Center	\$0.10	per sq.ft.	\$0.12	per sq.ft.	\$0.13	per sq.ft.	\$0.22	per sq.ft.
General Office	\$0.05	per sq.ft.	\$0.06	per sq.ft.	\$0.06	per sq.ft.	\$0.11	per sq.ft.
Research and Development	\$0.04	per sq.ft.	\$0.05	per sq.ft.	\$0.05	per sq.ft.	\$0.08	per sq.ft.
Warehouse	\$0.01	per sq.ft.	\$0.02	per sq.ft.	\$0.02	per sq.ft.	\$0.03	per sq.ft.
University of Colorado	\$6.26	per student	\$7.52	per student	\$8.02	per student	\$14.03	per student
Federal Labs	\$0.04	per sq.ft.	\$0.05	per sq.ft.	\$0.05	per sq.ft.	\$0.08	per sq.ft.
City of Boulder	\$64.05	per FTE	\$76.86	per FTE	\$81.98	per FTE	\$143.47	per FTE
BVSD Elementary	\$5.60	per student	\$6.72	per student	\$7.17	per student	\$12.54	per student
BVSD Middle	\$7.03	per student	\$8.43	per student	\$8.99	per student	\$15.74	per student
BVSD High School	\$6.94	per student	\$8.33	per student	\$8.88	per student	\$15.54	per student
Boulder County	\$64.05	per FTE	\$76.86	per FTE	\$81.98	per FTE	\$143.47	per FTE

**TABLE 3: Estimated Monthly Rates of TMF Scenarios**

Category	Unfunded Pavement and Routine w/o Transit/TDM		Unfunded Pavement and Routine w/ Transit \$3,000,000 in Revenue		Unfunded Pavement and Routine w/ Transit/TDM \$3,200,000 in Revenue		All current and unfunded Pavement \$5,600,000 in Revenue	
	\$2,500,000 in Revenue							
Detached Housing Units	\$2.98	per unit	\$3.58	per unit	\$3.81	per unit	\$6.67	per unit
Attached Housing Units	\$2.03	per unit	\$2.44	per unit	\$2.60	per unit	\$4.56	per unit
Mobile homes	\$1.94	per unit	\$2.33	per unit	\$2.49	per unit	\$4.35	per unit
Commercial/Shopping Center	\$0.008	per sq.ft.	\$0.010	per sq.ft.	\$0.011	per sq.ft.	\$0.018	per sq.ft.
General Office	\$0.004	per sq.ft.	\$0.005	per sq.ft.	\$0.005	per sq.ft.	\$0.009	per sq.ft.
Research and Development	\$0.003	per sq.ft.	\$0.004	per sq.ft.	\$0.004	per sq.ft.	\$0.007	per sq.ft.
Warehouse	\$0.001	per sq.ft.	\$0.002	per sq.ft.	\$0.002	per sq.ft.	\$0.003	per sq.ft.
University of Colorado	\$0.52	per student	\$0.63	per student	\$0.67	per student	\$1.17	per student
Federal Labs	\$0.003	per sq.ft.	\$0.004	per sq.ft.	\$0.004	per sq.ft.	\$0.007	per sq.ft.
City of Boulder	\$5.34	per FTE	\$6.41	per FTE	\$6.83	per FTE	\$11.96	per FTE
BVSD Elementary	\$0.47	per student	\$0.56	per student	\$0.60	per student	\$1.05	per student
BVSD Middle	\$0.59	per student	\$0.70	per student	\$0.75	per student	\$1.31	per student
BVSD High School	\$0.58	per student	\$0.69	per student	\$0.74	per student	\$1.30	per student
Boulder County	\$5.34	per FTE	\$6.41	per FTE	\$6.83	per FTE	\$11.96	per FTE

**TABLE 4: Estimated Annual Impacts on Sample Business without Exemptions**

<b>Category</b>	<b>Square Footage</b>	<b>Unfunded Pavement and Routine O&amp;M w/o Transit/TDM \$2,500,000 in Revenue</b>	<b>Unfunded Pavement and Routine O&amp;M w/ Transit only \$3,000,000 in Revenue</b>	<b>Unfunded Pavement and Routine O&amp;M w/ Transit/TDM \$3,200,000 in Revenue</b>	<b>All current and unfunded Pavement \$5,600,000 in Revenue</b>
<b>Commercial/Shopping Center</b>		<b>\$0.10 per sq.ft.</b>	<b>\$0.12 per sq.ft.</b>	<b>\$0.13 per sq.ft.</b>	<b>\$0.22 per sq.ft.</b>
Large Multi-Tenant Mixed Use	160,000	\$16,000	\$19,200	\$20,480	\$35,200
Large Restaurant	9,700	\$970	\$1,164	\$1,242	\$2,134
Large Grocery Store	40,000	\$4,000	\$4,800	\$5,120	\$8,800
Medium-sized Grocery	14,000	\$1,400	\$1,680	\$1,792	\$3,080
Full Service Bank	7,000	\$700	\$840	\$896	\$1,540
<b>General Office</b>		<b>\$0.05 per sq.ft.</b>	<b>\$0.06 per sq.ft.</b>	<b>\$0.064 per sq.ft.</b>	<b>\$0.11 per sq.ft.</b>
Small Office	3,000	\$150	\$180	\$192	\$330
Large Office	10,000	\$500	\$600	\$640	\$1,100
<b>Research and Development</b>		<b>\$0.0375 per sq.ft.</b>	<b>\$0.045 per sq.ft.</b>	<b>\$0.048 per sq.ft.</b>	<b>\$0.08 per sq.ft.</b>
Technology Company	65,000	\$2,438	\$2,925	\$3,120	\$5,200
Hospital	200,000	\$7,500	\$9,000	\$9,600	\$16,000
<b>Warehouse</b>		<b>\$0.01 per sq.ft.</b>	<b>\$0.015 per sq.ft.</b>	<b>\$0.016 per sq.ft.</b>	<b>\$0.03 per sq.ft.</b>
Industrial Warehouse	42,000	\$420	\$630	\$672	\$1,260

**TABLE 5: Estimated Monthly Impacts on Sample Business without Exemptions**

<b>Category</b>	<b>Square Footage</b>	<b>Unfunded Pavement and Routine O&amp;M w/o Transit/TDM \$2,500,000 in Revenue</b>	<b>Unfunded Pavement and Routine O&amp;M w/ Transit only \$3,000,000 in Revenue</b>	<b>Unfunded Pavement and Routine O&amp;M w/ Transit/TDM \$3,200,000 in Revenue</b>	<b>All current and unfunded Pavement \$5,600,000 in Revenue</b>
<b>Commercial/Shopping Center</b>		<b>\$0.10 per sq.ft.</b>	<b>\$0.12 per sq.ft.</b>	<b>\$0.13 per sq.ft.</b>	<b>\$0.22 per sq.ft.</b>
Large Multi-Tenant Mixed Use	160,000	\$1,333	\$1,600	\$1,707	\$2,933
Large Restaurant	9,700	\$81	\$97	\$104	\$178
Large Grocery Store	40,000	\$333	\$400	\$427	\$733
Medium-sized Grocery	14,000	\$117	\$140	\$149	\$257
Full Service Bank	7,000	\$58	\$70	\$75	\$128
<b>General Office</b>		<b>\$0.05 per sq.ft.</b>	<b>\$0.06 per sq.ft.</b>	<b>\$0.064 per sq.ft.</b>	<b>\$0.11 per sq.ft.</b>
Small Office	3,000	\$13	\$15	\$16	\$28
Large Office	10,000	\$42	\$50	\$53	\$92
<b>Research and Development</b>		<b>\$0.0375 per sq.ft.</b>	<b>\$0.045 per sq.ft.</b>	<b>\$0.048 per sq.ft.</b>	<b>\$0.08 per sq.ft.</b>
Technology Company	65,000	\$203	\$244	\$260	\$433
Hospital	200,000	\$625	\$750	\$800	\$1,333
<b>Warehouse</b>		<b>\$0.01 per sq.ft.</b>	<b>\$0.015 per sq.ft.</b>	<b>\$0.016 per sq.ft.</b>	<b>\$0.03 per sq.ft.</b>
Industrial Warehouse	42,000	\$35	\$53	\$56	\$105

**TABLE 6: Estimated Annual Impacts on Residential Properties with all Exemptions**

Category	Percent Increase	Unfunded Pavement and Routine O&M w/o Transit/TDM		Unfunded Pavement and Routine O&M w/ Transit only		Unfunded Pavement and Routine O&M w/ Transit/TDM		All current and unfunded Pavement	
		\$2,500,000 in Revenue		\$3,000,000 in Revenue		\$3,200,000 in Revenue		\$5,600,000 in Revenue	
Detached Housing Units	21%	\$43.43	per unit	\$52.11	per unit	\$55.58	per unit	\$97.27	per unit
Attached Housing Units	21%	\$29.64	per unit	\$35.57	per unit	\$37.94	per unit	\$66.39	per unit
Mobile homes	21%	\$28.31	per unit	\$33.98	per unit	\$36.24	per unit	\$63.42	per unit

**TABLE 7: Estimated Monthly Impacts on Residential Properties with all Exemptions**

Category	Percent Increase	Unfunded Pavement and Routine O&M w/o Transit/TDM		Unfunded Pavement and Routine O&M w/ Transit only		Unfunded Pavement and Routine O&M w/ Transit/TDM		All current and unfunded Pavement	
		\$2,500,000 in Revenue		\$3,000,000 in Revenue		\$3,200,000 in Revenue		\$5,600,000 in Revenue	
Detached Housing Units	21%	\$3.62	per unit	\$4.34	per unit	\$4.63	per unit	\$8.11	per unit
Attached Housing Units	21%	\$2.47	per unit	\$2.96	per unit	\$3.16	per unit	\$5.53	per unit
Mobile homes	21%	\$2.36	per unit	\$2.83	per unit	\$3.02	per unit	\$5.29	per unit

**TABLE 8: Estimated Annual Impacts on Sample Commercial Properties with all Exemptions**

Category	Square Footage	Unfunded Pavement and Routine O&M w/o Transit/TDM	Unfunded Pavement and Routine O&M w/ Transit only	Unfunded Pavement and Routine O&M w/ Transit/TDM	All current and unfunded Pavement
		\$2,500,000 in Revenue	\$3,000,000 in Revenue	\$3,200,000 in Revenue	\$5,600,000 in Revenue
<b>Commercial/Shopping Center</b>		<b>\$0.11 per sq.ft.</b>	<b>\$0.14 per sq.ft.</b>	<b>\$0.145 per sq.ft.</b>	<b>\$0.25 per sq.ft.</b>
Large Multi-Tenant Mixed Use	160,000	\$17,600	\$22,400	\$23,200	\$56,000
Large Restaurant	9,700	\$1,067	\$1,358	\$1,407	\$3,395
Large Grocery Store	40,000	\$4,400	\$5,600	\$5,800	\$14,000
Medium-sized Grocery	14,000	\$1,540	\$1,960	\$2,030	\$4,900
Full Service Bank	7,000	\$770	\$980	\$1,015	\$2,450
<b>General Office</b>		<b>\$0.05 per sq.ft.</b>	<b>\$0.06 per sq.ft.</b>	<b>\$0.07 per sq.ft.</b>	<b>\$0.11 per sq.ft.</b>
Small Office	3,000	\$150	\$180	\$210	\$330
Large Office	10,000	\$500	\$600	\$700	\$1,100
<b>Research and Development</b>		<b>\$0.04 per sq.ft.</b>	<b>\$0.05 per sq.ft.</b>	<b>\$0.055 per sq.ft.</b>	<b>\$0.08 per sq.ft.</b>
Technology Company	65,000	\$2,600	\$3,250	\$3,575	\$5,200
Hospital	200,000	\$8,000	\$10,000	\$11,000	\$16,000
<b>Warehouse</b>		<b>\$0.0125 per sq.ft.</b>	<b>\$0.02 per sq.ft.</b>	<b>\$0.025 per sq.ft.</b>	<b>\$0.03 per sq.ft.</b>
Industrial Warehouse	42,000	\$525	\$840	\$1,050	\$1,260

**TABLE 9: Estimated Monthly Impacts on Sample Commercial Properties with all Exemptions**

Category	Square Footage	Unfunded Pavement and Routine O&M w/o Transit/TDM	Unfunded Pavement and Routine O&M w/ Transit only	Unfunded Pavement and Routine O&M w/ Transit/TDM	All current and unfunded Pavement
		\$2,500,000 in Revenue	\$3,000,000 in Revenue	\$3,200,000 in Revenue	\$5,600,000 in Revenue
<b>Commercial/Shopping Center</b>		<b>\$0.11 per sq.ft.</b>	<b>\$0.14 per sq.ft.</b>	<b>\$0.145 per sq.ft.</b>	<b>\$0.25 per sq.ft.</b>
Large Multi-Tenant Mixed Use	160,000	\$1,467	\$1,867	\$1,933	\$4,667
Large Restaurant	9,700	\$89	\$113	\$117	\$283
Large Grocery Store	40,000	\$367	\$467	\$483	\$1,167
Medium-sized Grocery	14,000	\$128	\$163	\$169	\$408
Full Service Bank	7,000	\$64	\$82	\$85	\$204
<b>General Office</b>		<b>\$0.05 per sq.ft.</b>	<b>\$0.06 per sq.ft.</b>	<b>\$0.07 per sq.ft.</b>	<b>\$0.11 per sq.ft.</b>
Small Office	3,000	\$13	\$15	\$18	\$28
Large Office	10,000	\$42	\$50	\$58	\$92
<b>Research and Development</b>		<b>\$0.04 per sq.ft.</b>	<b>\$0.05 per sq.ft.</b>	<b>\$0.055 per sq.ft.</b>	<b>\$0.08 per sq.ft.</b>
Technology Company	65,000	\$217	\$271	\$298	\$433
Hospital	200,000	\$667	\$833	\$917	\$1,333
<b>Warehouse</b>		<b>\$0.0125 per sq.ft.</b>	<b>\$0.02 per sq.ft.</b>	<b>\$0.025 per sq.ft.</b>	<b>\$0.03 per sq.ft.</b>
Industrial Warehouse	42,000	\$44	\$70	\$88	\$105

## **ATTACHMENT B: Update on the TMF Process**

### **BACKGROUND**

The Transportation Master Plan (TMP) is Boulder's blueprint for the city's transportation system. While much attention is focused on Boulder's on-going efforts to provide a robust multimodal system that shifts trips from single-occupant vehicles, it is helpful to review the investment priorities of the TMP:

- Highest priority: System operations, maintenance and travel safety;
- Next priority: Operational efficiency improvements and enhancement of the transit, pedestrian and bicycle system;
- Next lowest priority: Quality of life, such as sound walls and traffic mitigation; and
- Lower priority: Auto capacity additions (new lanes and interchanges).

Taking care of the existing system is the most basic and essential function of the Transportation Division. The system provides the backbone of mobility for the functioning of the community. The system serves an approximate 140,000 daytime population, which makes more than 600,000 trips each day. With only a few exceptions, operations and maintenance of this system is the responsibility of the city.

Transportation funding faces a one-two punch: revenues have declined and costs have increased. Transportation has experienced an almost 40 percent decline in purchasing power since 2002. Largely due to global and national influences, the cost of doing business in the public works sector has escalated more than other businesses due to the cost of asphalt, concrete, fuel and other materials.

The Transportation Division has taken a number of steps to improve efficiency and implement best practices in order to reduce operations and maintenance (O&M) expenses. A staffing analysis in 2009 resulted in the reduction of five maintenance positions, with savings reallocated to catch up on cost escalation. Maintenance teams from the Transportation and Utilities divisions have been cross-trained and resources are shared to increase efficiency and to respond more effectively to significant snow storms, water-main breaks and other emergencies.

Even with the efficiencies, reductions have also been necessary to balance the budget. Most of the reductions have been in the realm of system enhancements, with capital improvements delayed, neighborhood traffic mitigation eliminated, and transportation demand management and marketing efforts reduced significantly. However, O&M reductions in street sweeping and median maintenance, and reduction in transit services like the HOP and JUMP were also required. In implementing reductions, staff attempted to minimize their impacts and visibility to the public. While the street repair budget has been preserved, cost escalation has impacted its real purchasing power. The O&M funding challenges are particularly acute in three areas: pavement maintenance; routine O&M; and transit service.

At the Jan. 24, 2012 Study Session on Funding of Operations and Maintenance of the Transportation System, council asked for additional information and asked staff to further investigate the design of a TMF. To assist in the design of a TMF, a task force hosted by the

Transportation Advisory Board (TAB) has been formed with resident and business representatives providing feedback and recommendations for a viable TMF for Boulder.

## **ADDITIONAL INFORMATION REQUESTS**

### **Update on Transportation Operations and Maintenance Figures**

As communicated to City Council in prior information packets, transportation O&M funding challenges are particularly acute in three areas: pavement maintenance; routine O&M; and transit service support. Since the [Jan. 24 Study Session](#) on transportation O&M funding, staff has further analyzed and refined estimates of unfunded needs for the three primary O&M funding challenges to help inform discussions about transportation funding options. Summaries for each of the primary O&M funding challenges are provided below.

### **Pavement Maintenance**

#### Overview

Boulder's largest transportation asset is its street system, which provides the core transportation network for cars, trucks and buses. Bicyclists use most roads as well, and adjacent sidewalks provide mobility for pedestrians. Maintaining the roadway network is the single largest O&M expense of the city, with maintaining the pavement itself the most significant expense in this category. Careful tracking of pavement condition is important in order to minimize costs. Pavement deteriorates over time due to use and weather, developing cracks and potholes. Pavement is rated from 1 to 100 with the commonly used Overall Condition Index (OCI) rating system. If pavement quality is above 55 it can be overlaid or chip-sealed. If it deteriorates below 55, its structural integrity is compromised so it must be replaced. Replacement costs roughly four times as much. Maintaining pavement at a level of 78 is considered a reasonable goal nationwide. Examples of activities within pavement maintenance include overlays, chip-seals, crack-seals and street repair such as major patching.

#### Current Funding

The estimated 2013 budget for pavement maintenance is just more than \$4 million. Beyond the ongoing budget, one-time Capital Improvement Bond funds of approximately \$12.5 million will also benefit pavement maintenance activities through 2014. The addition of one-time funding from the Capital Improvement Bond to the ongoing budget for pavement maintenance will enable the city to catch up on deferred pavement repair through 2014 and help achieve the OCI target of 78, while the current OCI is 75. The bond funding allows the city to repair or reconstruct the streets in poor condition, moving them into the good category, and to a point where they are less expensive to maintain in the future.

#### Unfunded Need

Once the bond funding has been fully expended, the estimated unfunded need for pavement maintenance in 2015 and beyond is approximately \$1.6 million annually. Staff determined this unfunded need figure using the city's transportation asset management software, assuming the goal of maintaining the OCI at 78.

## **Routine O&M**

### Overview

Operating and maintaining the system on a daily basis is another major cost. Examples of routine O&M include sign and pavement marking maintenance, traffic signal operation and maintenance, operation and maintenance of street lighting, pothole repairs, pathway and sidewalk repairs, median and right of way maintenance, and other basic services. The level or need to deliver routine O&M services is influenced by multiple factors including the guiding principles and investment policies of the Transportation Master Plan, feedback from the community (by phone calls, emails or through community surveys) and legal mandates to provide services.

The Transportation Division has taken a number of steps to improve efficiency and implement best practices. For example, a staffing analysis in 2009 resulted in the reduction of five maintenance positions, with savings reallocated to catch up on cost escalation. Most recently, the Transportation Division is conducting an analysis of snow and ice control to determine service delivery options and scenarios for levels of service. Efficiency studies typically occur on a rotating basis in an effort to provide in-depth analysis for service areas.

Even with efficiency efforts, reductions have also been necessary to balance the budget. Reductions in routine O&M have led to lower service levels when compared to 2001. Specific examples of service level impacts include reduced mowing frequencies for median maintenance, reduced landscaping efforts and reduced frequencies of street sweeping activities.

Similar to pavement maintenance, routine O&M received one-time assistance from the 2011 Capital Improvement Bond to replace traffic signs to meet new federal requirements, and to upgrade traffic signals to use LEDs. An added benefit of the LED replacement is ongoing energy efficiency and cost savings. This one-time infusion is most welcome and will address some deferred maintenance items, but does not resolve the ongoing funding issues. Examples of activities within routine O&M include sidewalk and bike path maintenance, median maintenance, snow and ice control, signs and markings, and signal maintenance.

### Current Funding

The estimated 2013 budget for routine O&M is just more than \$7 million.

### Unfunded Need

The 2013 estimated unfunded need for routine O&M is approximately \$1 million. The method used to estimate the unfunded need for Routine O&M was based on cost escalation. Staff first identified a base budget year (2001) and adjusted the approved budget using the Denver-Boulder-Greeley Consumer Price Index (CPI) factors to estimate an equivalent budget for 2013. The CPI adjusted budget was compared to the estimated 2013 budget to identify the unfunded need.

## **Transit Service Support**

### Overview

One of the keys to Boulder's high transit mode share has been the Community Transit Network (CTN), which includes the HOP, SKIP, JUMP, BOUND, DASH and STAMPEDE. During peak hours, these buses run every 10 minutes, providing "schedule free" service. This strategy has proven effective in building transit ridership beyond those who are dependent on transit to those who choose to ride the bus because it is convenient.

RTD has not been willing or able to provide 10 minute frequencies on all of the CTN routes (and its capacity to do so will continue to diminish), so the city, Boulder County and the University of Colorado have partnered to cover the cost increment between RTD's basic services and the more desirable level of service. RTD has been reducing services for the past three years, and there is little news to suggest that this trend will reverse. In order to restore the CTN to 2010 service levels and maintain this standard into the future, additional contributions will be required to RTD. Examples of activities within transit support service include CTN service buy-ups from RTD, transit service operations and transit service planning and design.

### Current Funding

The estimated 2013 budget for transit support service is just more than \$1.8 million.

### Unfunded Need

With the goal of restoring the CTN to 2010 service levels, the estimated unfunded need of 2013 Transit Support Service is approximately \$550,000.

This unfunded need was estimated by comparing CTN service hours provided in 2010 to estimated service hours for 2013. Once this service hour deficiency was determined, the unfunded need was calculated by applying the estimated 2013 rate per service hour to the service hour deficiency. Estimates for the 2013 service hour deficiency and rate per service hour were calculated using historical trend data.

### **TMF as a Fee versus a Tax**

Another issue discussed during the January 2012 Study Session was the possible impact of implementing a transportation maintenance tax rather than a fee, with regard to state and federal properties. The initial conclusion of the City Attorney's Office (CAO) is that a special/service fee appears to be the best option for a funding mechanism that could be charged to the State of Colorado. Additional input from the CAO will be provided to council through future confidential memorandums.

Furthermore, according to the draft rate structure report by the consultants from Tischler-Bise, enacting the TMF as a tax would eliminate approximately 20 percent of the potential revenue from state and federal agencies and institutions in the City of Boulder. A tax would also significantly raise the rates for other commercial and residential properties in the city.

## **Update on TMF Taskforce Process**

### **TMF Task Force Workshop #1**

Following the January 2012 Study Session, staff formed the TMF Task Force that includes a wide variety of Boulder resident and business representatives. The purpose of the Task Force is to deliver council a recommended design of a TMF that meets the O&M needs of the Transportation Division and fits the cultural values of Boulder. The Task Force will also evaluate parking fee revenue and other finance mechanisms that could replace or work in conjunction with a TMF. The list of the Task Force members is included in Attachment A.

The first TMF Workshop was held on June 25, 2012. Following a welcome from Council Member KC Becker, the agenda covered roles and responsibilities and purpose of the Task Force. Staff presented background information on the work completed to date on transportation finance and a concise overview of the current O&M funding needs.

The Task Force's facilitator led the participants through a small group exercise to identify viable revenue levels and the specific O&M activities that could be funded by a TMF. For this small group exercise, participants were divided into three groups and asked to identify which O&M activities they would fund with a TMF and at what annual funding level. Then they were asked to justify their recommended levels by describing the criteria they used to come to a recommended level. Two of the groups reached similar conclusions of designing a TMF that would cover the unfunded pavement maintenance and routine maintenance needs, but could not reach a consensus on whether to fund Eco Pass/TDM and transit service support programs. One group compromised and recommended funding transit service but not Eco Pass/TDM and the other group could not reach an agreement. Both groups reported that maintenance of our transportation infrastructure was critical, but the TMF needed to start off at a low rate by simply raising the revenue to cover unmet pavement maintenance and routine maintenance funding needs. While some supported the idea of funding both Eco Pass/TDM and transit service support as important programs and services that reduce vehicle trips, others believed that fees for such programs and services were untested legally and may be harder to "sell" to the public in an advisory vote.

The third group took an entirely different approach and recommended a TMF that would only cover pavement maintenance, but at the total cost of \$5.6 million per year (current spending plus projected unmet need). Their rationale for a pavement maintenance-only TMF was that it would be easier to communicate the need and the use of the funds to the public and it would ultimately "free up" some revenue from the dedicated sales tax that could be used on system enhancements.

To complete the work of the Task Force, four sub-groups were formed at the end of the first workshop. The sub-groups include Rate Structure, Incentives and Rebates, Public Outreach, and Parking and Other Finance Mechanisms. Each sub-group is led by a TAB member and meets in between workshops on their specific focus area.

At the end of the first workshop, there was general agreement that the Rate Structure sub-group should evaluate a TMF that would raise between \$2.5m per year (unfunded pavement maintenance and routine maintenance needs) to \$3.2m per year (unfunded pavement

maintenance and routine maintenance needs plus transit service support and Eco Pass/TDM), but also to evaluate a pavement maintenance-only TMF at \$5.6m per year.

### Rate Structure Sub-Group

Following the first workshop the Rate Structure group met to examine the rates that would be imposed on residential and commercial properties. Their first task was to develop a set of criteria that a viable TMF for Boulder would have. Their initial list included:

- Setting a TMF at a minimal rate; raising revenue for only the funding gaps as it would be easier to “sell” to the public.
- Base all rates on square footage when data is available.
- Avoid rebates and incentives to keep the TMF simple and lower administrative costs.
- Explore possible categorical exemptions, such as for Boulder Valley School District.

Based on information from the city’s consultant, Tischler-Bise, the Rate Structure sub-group concluded that the financial impacts on residential and commercial properties were reasonable, but they had a number of questions they would like answered prior to making any recommendations to the larger Task Force. Those questions and issues have been sent to the consultant. After receiving information, a follow-up Rate Structure Sub-Group meeting will be scheduled to prepare recommendations for Workshop #2, which is schedule for early August 2012.

### Incentives and Rebates Sub-Group

The Incentives and Rebates Sub-Group has met twice since the first workshop and worked on development a set of criteria for incentives and rebates tied to a TMF and an initial list of possible incentives and rebates for Boulder’s residents and commercial properties:

- Data for any rebate/incentive should be easily measured.
- Measurement does not require creating new data/measurement sources.
- Administration is low or no-cost.
- Clear justification for rebate or incentive with respect to:
  - Adjusting for actual impact on transportation system.
  - Incentivizing behaviors (mode share shift, fewer trips total, fewer SOV trips).

The sub-group also developed an extensive list of possible incentives and rebates for both residential and commercial properties. The list they produced includes a number of rebates/incentives that may not be viable according to their criteria, but they were interested in coming up with a universal list first.

- Residential rebates/incentives include:
  - Neighborhood Eco Pass Program participation;
  - Boulder B-Cycle membership;
  - eGo Carshare membership;
  - Low-income residential rebate (could be related/tied to the City’s Food Tax Rebate program);
  - Minimal vehicle ownership households;

- Multi-family residential complexes with unbundled parking or TDM Site Review Plan; and
- Households that use neighborhood school due to the impact of open enrollment.
- Commercial rebates/incentives include:
  - Eco Pass Program participation;
  - Boulder B-Cycle corporate membership;
  - eGo Carshare corporate membership;
  - Businesses that require employee to pay for parking or offer parking cash-out; and
  - Businesses with approved and monitored TDM plans.

At the second workshop with the full TMF Task Force, the Incentives and Rebates Sub-group will share their criteria and initial ideas of possible rebates/incentives. Since the Rate Structure Sub-group is opposed to incentives/rebates it will be important to reach some consensus, either way, with the full task force. The Incentives and Rebates Sub-group does think it is important to recognize residents and businesses that are making efforts to reduce vehicle trips.

**ATTACHMENT C: Task Force Members**

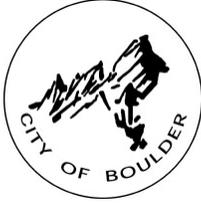
<b>First</b>	<b>Last</b>	<b>Organization/Business</b>
Barbara	Lewis	Facilitator
Sue	Prant	Community Cycles
Kevin	Knapp	Boulder Housing Partners
Bob	Whitson	Boulder East TMO
Sam	Cohen	Elevations Credit Union
Ken	Hotard	Boulder Realtor Association
Frank	Bruno	Western Disposal
John	Tayer	RTD Board
Kai	Abelkis	Boulder Community Hospital
JT	Fulton	Macerich (29th Street Mall)
Bill	Roettker	Sierra Club
David	Driscoll	Transportation Advisory Board
Matt	Moseley	Transportation Advisory Board
Jessica	Yates	Transportation Advisory Board
Andria	Bilich	Transportation Advisory Board
Zane	Selvans	Transportation Advisory Board
Clint	Folsom	Rental Property Owner
Mary	Cobb	VIA Transit
Glen	Segrue	Boulder Valley School District
Jim	Hartman	NECO Pass Coordinator
David	Cook	University of Colorado
Susan	Osborne	Former City Council member
Sean	Maher	Downtown Boulder Inc.
Dan	King	Boulder Outlook Hotel

**ATTACHMENT D: Expiring Taxes**

<b>Sales and Use Component</b>	<b>Rate</b>	<b>Start Date</b>	<b>Expiration Date</b>
Open Space Fund	0.33%	January 1, 1990	December 31, 2018
Open Space Fund	0.15%	January 1, 2004	December 31, 2019
General Fund	0.15%	January 1, 2005	December 31, 2024
.25 Cent Sales Tax Fund (Parks and Recreation)	0.25%	January 1, 1996	December 31, 2035
General Fund	1.00%	January 1, 1964	N/A
General Fund	0.38%	January 1, 2009 <sup>[1]</sup>	N/A
General Fund	0.15%	January 1, 2010 <sup>[2]</sup>	N/A
Open Space Fund	0.40%	January 1, 1967	N/A
Transportation Fund	0.60%	January 1, 1967	N/A
<b>2013 Sub Total</b>	<b>3.41%</b>		
Food Service (only charged for Food Service)	0.15%	November 3, 1981	N/A
<b>2013 Total (including Food Service)</b>	<b>3.56%</b>		
<b>Other Taxes</b>			
Utility Occupation Tax		January 1, 2011	December 31, 2017
Climate Action Plan Tax		April 7, 2007	March 31, 2018

<sup>[1]</sup> The 0.38% Sales and Use Tax component was extended indefinitely, undedicated and debruced by voters in 2008.

<sup>[2]</sup> The 0.15% Sales and Use Tax component was extended indefinitely, undedicated and debruced by voters in 2009.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: Dec. 18, 2012**

**AGENDA TITLE**

Civic Area: Structural analysis of city buildings in the high hazard flood zone; preliminary space use study findings; and ideas competition update.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director of Community Planning &  
Sustainability  
Maureen Rait, Executive Director of Public Works  
Jeff Arthur, Director of Public Works for Utilities  
Tracy Winfree, Director of Public Works for Transportation  
Molly Winter, Director of Downtown and University Hill Management  
Division and Parking Services  
Kirk Kincannon, Director of Parks and Recreation  
Patrick Von Keyserling, Director of Communications  
Valerie Maginnis, Director of Boulder Library  
Karen Rahn, Director of Human Services  
Joe Castro, Facilities and Fleet Manager  
Lesli Ellis, Comprehensive Planning Manager  
Sam Assefa, Senior Urban Designer, Project Coordinator

## **EXECUTIVE SUMMARY**

The purpose of this agenda item is to report to City Council the findings of a structural and flood analysis of the New Britain and Park Central buildings, which are located in the high hazard flood zone (HHZ) (**Attachment A**). Staff is recommending exploring options for a phased plan and financing to address relocation of city facilities out of the high hazard flood zone. Options and analysis will take place for the Civic Area in spring 2013.

In addition, staff will update council on the proposed jury composition, categories and evaluation criteria for the Civic Area Ideas Competition ([website link](#)).

## **STAFF RECOMMENDATION**

Staff is recommending exploring options for a phased plan and financing to address relocation of city facilities out of the high hazard flood zone. Options for the Civic Area are to be explored and analyzed in spring 2013.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

The Civic Area Guiding Principles (**Attachment E**) approved by council Nov. 1, 2012 provide general guidance on how economic, environmental and social sustainability could be incorporated into the Boulder Civic Area plan. When plan options are developed, staff will assess specific impacts to the community's sustainability goals.

## **PUBLIC FEEDBACK**

An open house was held on Dec. 5, 2012, to provide the public with more detailed information on the following topics:

- An update on the project process and what to expect with upcoming events;
- Flood hazards in the area and the city's flood regulations;
- Potential development capacity of the area, given flood regulations and current zoning;
- Municipal space needs and structural and flood analysis by the Facilities and Asset Management (FAM) division;
- Potential parks improvements and open space area, given flood regulations; and
- Potential catalytic (short-term) project(s) to be considered through the Ideas Competition

The goal of the open house was to enable interested members of the public to gain a more in-depth understanding of the area's opportunities and constraints and provide feedback on the above topics.

## BACKGROUND

### Municipal Structural Analysis

At the July 31, 2012, Civic Area study session, council reviewed the work to date on the Municipal Space Study and the implications of flood hazards for city facilities in the Civic Area. The [study session packet](#) and [study session summary](#) are available online. Staff highlighted several issues that the study is addressing, including:

1. Park Central and New Britain buildings are located in the High Hazard Flood Zone, which presents a life/safety issue for employees and customers. (See Flood Zones map, **Attachment B**) Another problem is that these buildings house functions that are critical for flood recovery (e.g., utilities, transportation, and business support.
2. City facilities are aging; some are significantly older than their originally planned lifespan, contributing to increasing operation and maintenance costs.

In response, council generally agreed that this is an appropriate time to plan for the future of the city buildings and services in the Civic Area. Council requested additional structural assessment of the buildings in the HHZ, in order to better understand options and aid with decisions about future phasing and financing of downtown city facilities.

### Civic Area Guiding Principles

On Nov. 1, 2012, City Council approved the Civic Area Guiding Principles (see [link](#)), and suggested several enhancements, including:

- Placing greater emphasis on the life and property safety principle related to the flood zone;
- Incorporating a broader, fully inclusive history of Boulder, including indigenous populations; and
- Stating that any new buildings in the Civic Area should incorporate compelling and exemplary design

## ANALYSIS

### Space Needs Study – Preliminary Findings

The City is currently conducting a future space needs analysis for city facilities in the Civic Area, excluding the Main Library. Preliminary findings suggest that current facilities in the Civic Area are at full capacity with space allocation as efficient as allowed by limitations of the current facilities. Furthermore, the space currently occupied by facilities impacted by the HHZ, approximately 55,000 square feet<sup>1</sup>, is estimated to be the space needed for future services. Future office space will ideally be reconfigured to expand the common and meeting spaces with redundancies eliminated in current city facilities.

---

<sup>1</sup> This total square footage includes the following city buildings within the Civic Area: New Britain (13,851 s.f.), Park Central (20,910 s.f.), the Atrium (12,392 s.f.), 1301 Arapahoe (2,080 s.f.), and FAM/13<sup>th</sup> St. (5,750 s.f.), The Municipal Building (23,657 s.f.) is not included in the total.

### **Existing Parking in the Civic Area**

The Civic Area contains 13 scattered parking lots and almost 600 parking spaces for employees and visitors of the West Senior Center, north and south wings of the library, city offices and the Farmers' Market. (See Parking map, **Attachment C.**) Approximately 300 surface parking spaces are located within the HHZ. The majority of deaths as a result of flash floods are due to people attempting to drive their vehicles out of the flooded areas. Cars, when swept downstream by flood waters, also create a significant hazard. Reconfiguring or relocating some of the surface parking spaces, especially those located in the HHZ, could significantly reduce flood risks associated with cars.

### **Structural Analysis Findings on New Britain and Park Central**

Following up on the July 31, 2012, study session on the Municipal Space Study and flood constraints, FAM contracted an engineering consultant to study the safety and structural soundness of the New Britain and Park Central buildings in the event of a 100-year flood. Unlike previous studies of these structures, the consultants hired were certified in both structural engineering and flood management. These findings are summarized from the consultant's report:

*After conducting our assessment, we have concluded that the buildings as constructed are not able to withstand the 100-year flood event. Based on the flood and soil parameters for the site, the foundations of both buildings would be undermined due to scour, which would result in the collapse of the structures. The depth of scour was determined to be approximately 1.6 feet below the footings at the New Britain building and 3.6 feet below the footings at the Park Central building. The measures that would be required to flood-proof and reinforce the existing foundations of the New Britain and Park Central buildings are extensive and costly. In general, our solutions involve installing a grade beam system supported by drilled piers below the existing structures for support of the structure, as well as replacing the existing storefronts with structural glazing designed to resist flood loading. The structural improvements alone are estimated to be \$669,000 for the New Britain Building and \$1,075,000 for the Park Central building. Much of the work required would be difficult to construct, especially for the New Britain building, as significant work would take place in confined spaces and below the existing structure. There is limited access for heavy equipment to excavate for the grade beams and pier caps, as well as access for drill rigs to install drilled piers*

*The market value of the New Britain building structure is \$945,900, and the market value of the Park Central building structure is \$1,519,100. Both are based on the current Boulder County Assessment Report. Since the costs for the required structural improvements exceed 50% of the market value of the structure for both facilities, the improvements are considered 'substantial improvements' as defined in 9-16-1 of the City of Boulder Revised Code. Additionally, both structures are located in the high hazard zone based on both the 1994 study and the 2012 study, and are therefore prohibited from being improved in accordance with 9-3-5(d)(2) of the City of Boulder Revised Code.*

Given these study findings, staff recommends exploring options for phasing out these two buildings (New Britain and Park Central) and surface parking in the HHZ through the Civic Area planning process. Options should explore phasing, financing, potential locations (within and near the Civic Area), and land acquisition costs and tradeoffs.

### **Ideas Competition**

The Ideas Competition will begin in December with entries due Jan. 11, 2013. The purpose of the competition is to invite participants to provide near- and long-term creative and visionary ideas for the Civic Area. A jury composed of local and national jurors with knowledge related to different subject areas will judge the submittals using criteria developed from the Guiding Principles. The city will give awards for the best proposed ideas in four categories for the long-term vision, and for a single best idea for a near-term project. The four categories for the long-term vision include:

- **Transformative Placemaking**
- **Creative Mix of Land Uses**
- **Environmental and Flood Solutions**
- **Civic Facilities and Functions**

The competition will use the latest digital technology, created by Crowdbrite, to allow for transparency and public participation in and input on the jury-selected outcomes. The short-listed entries, after the first round of review, will be displayed at Boulder's Main Library between Jan. 20 and 29, 2013, leading up to the final awards and jury presentation on Jan. 29, 2013. More information is provided in the draft Ideas Competition Brief in [website link](#).

### **NAIOP Real Estate Challenge**

The NAIOP Challenge is an annual competition between the University of Colorado and University of Denver's graduate real estate programs designed to serve as learning tool for students while assisting entities such as the City of Boulder with development options for specific properties. Beginning in January, next year's event is designed to assist the City of Boulder with financial analysis for development options for the city block between 13<sup>th</sup> and 14<sup>th</sup> Streets in the Civic Area. Finalists from each school will be judged by a group of seasoned real estate professionals, and a traveling trophy will be awarded to the winning team. The award event will be held on May 1, 2013.

The City of Boulder will prepare a draft problem statement detailing the goals for the Civic Area and expected results by the participating student teams. The problem statement goals will align with the city's objectives for the Civic Area as stated in the Guiding Principles. The student teams will address such program components as potential uses, market realities and design issues, and will present their work to the city in May of 2013.

### **NEXT STEPS**

- Host Ideas Competition – mid December 2012 through late January 2013, with panel, council participation, and awards Jan. 29, 2013
- Participate in NAIOP Challenge – January through April 2013

- Develop and analyze preferred option(s) for public and council feedback – March through May 2013
- Develop preliminary draft plan for public, Planning Board and council feedback – June and July 2013
- Hold final plan approval hearings – August 2013

#### **ATTACHMENTS**

- A** – Structural Analysis for New Britain and Park Central buildings
- B** – Civic Area Flood Zones
- C** – Civic Area Parking map



**CITY OF BOULDER**  
**Facilities and Asset Management**

**New Britain and Park Central Buildings**

**Structural Flood  
Assessment**

November 13, 2012

**Anthem, LLC**  

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*Structural Engineering*

**Anthem, LLC**  
5171 Eldorado Springs Drive  
Suite M  
Boulder, CO 80303  
(303) 848-8497  
*web: [anthemstructural.com](http://anthemstructural.com)*  
*e-mail: [mail@anthemstructural.com](mailto:mail@anthemstructural.com)*

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## APPENDIX A FLOOD STUDY INFORMATION

## APPENDIX B STRUCTURAL CALCULATIONS

## APPENDIX C HISTORIC SOIL BORING LOGS

## APPENDIX D OPINION OF PROBABLE COST

## **1.0 EXECUTIVE SUMMARY**

We have assessed the ability of the New Britain and Park Central buildings to resist loading and water infiltration for the 100-year flood event, and what improvements would be required to bring the structures into compliance with current structural codes. We have also investigated what improvements would be required to support the structures in the event that the existing foundations are undermined due to scour. The design criteria was based on the more stringent of the newly adopted 2012 Boulder Creek floodplain study and the preceding 1994 Boulder Creek floodplain study. The velocities utilized in the analysis range from 7.93 feet per second with a flood protection elevation of 3.24 feet above grade for the New Britain building, to 5.24 feet per second with a flood protection elevation of 3.40 feet above grade for the Park Central building. The depth of scour was determined to be approximately 1.6 feet below the footings at the New Britain building and 3.6 feet below the footings at the Park Central building. In general, our solutions involve installing a grade beam system supported by drilled piers below the existing structures for support of the structure, as well as replacing the existing storefronts with structural glazing designed to resist flood loading. Our solutions are described in more detail within the body of this report.

After conducting our assessment, we have concluded that the buildings as constructed are not able to withstand the 100-year flood event. Based on the flood and soil parameters for the site, the foundations of both buildings would be undermined due to scour, which would result in the collapse of the structures. The measures that would be required to floodproof and reinforce the existing foundations of the New Britain and Park Central buildings are extensive and costly. The structural improvements alone are estimated to be \$669,000 for the New Britain Building and \$1,075,000 for the Park Central building. Much of the work required would be difficult to construct, especially for the New Britain building, as significant work would take place in confined spaces and below the existing structure. There is limited access for heavy equipment to excavate for the grade beams and pier caps, as well as access for drill rigs to install drilled piers. As mentioned elsewhere in the report, there would be costs incurred in addition to the required structural improvements.

## **2.0 INTRODUCTION**

### **2.1 SCOPE OF SERVICES**

The scope of structural services is to provide a report summarizing the results of our structural analysis of the New Britain and Park Central buildings for flood loading as they exist, what improvements would need to be made to floodproof the buildings, and the approximate cost associated with improving the buildings. Floodproofing of architectural elements such as door gaskets and waterproof membranes are not included in this report. Site and utility improvements are also not included in this report.

### **2.2 ASSUMPTIONS AND BASIS OF ANALYSIS**

Our assumptions for the analysis of the New Britain and Park Central buildings are as follows:

- The soil profile is as indicated in the existing drawing set of the Park Central Building
- The water surface elevations are linearly interpolated between cross-sections
- The non-observable elements of the New Britain building are as described in Item 3.5

The analysis is based on the information provided by the City of Boulder indicated in Item 4.0, including drawings of the Park Central Building, boring logs from the Park Central Building, floodplain data from both the newly adopted 2012 Boulder Creek floodplain study and the preceding 1994 Boulder Creek floodplain study, and photographs of the Broadway Bridge reconstruction project. Additionally, our analysis was based on our investigation of existing conditions outlined in Section 5.0.

### **2.3 LIMITATIONS AND EXCEPTIONS**

Our analysis is limited to the information provided, and the observable elements of the structures. Alternate methods of addressing scour, such as armoring, have not been investigated.

### 3.0 SITE LOCATION AND CHARACTERISTICS



Site Location

#### 3.1 LOCATION AND LEGAL DESCRIPTION

The Park Central Building at 1739 N. Broadway St. and the New Britain Building 1101 Arapahoe Ave. at are located immediately adjacent to each other on the northwest corner of Arapahoe Ave. and Broadway St. in downtown Boulder as illustrated below. Mustard’s Last Stand, a hotdog and burger restaurant is located at the southeast corner of the Park Central Building. A playground area and Boulder Creek are directly to the north of the site, with the city’s Municipal Building further north, across the creek. A parking lot and the main branch of the Boulder Public Library are directly to the west of the site with the West Senior Center further west. Across Arapahoe Ave. to the south is the Alfalfa’s grocery store and across Broadway to the east are a gas station and a restaurant/office building, often referred to as the Yocum Building.

The legal descriptions for the two properties are:

*New Britain Building:* W 150 FT OF S 50 FT LOT 9 & W 150 FT OF N 50 FT OF S 100 FT  
Lot 9 SMITHS & PT E ½ VACATED 11TH ST ADJ

*Park Central Building:* E 160 FT OF N 50 FT OF S 100 FT AND E 150 FT OF S 50 FT  
LOT 9 SMITHS LESS SE 28 X 28 FT SPLIT TO ID 120058 11/94

### **3.2 SITE CHARACTERISTICS**

The New Britain and Park Central buildings are located on fairly level ground that generally slopes away from the structures both to the north, toward Boulder Creek and to the south, toward Arapahoe Ave. Asphalt paved parking areas are located across the southern portion of the site.

The City of Boulder has recently adopted a new floodplain study for Boulder Creek, which will hereon be referred to as the 2012 Study. At this time, the study has not yet been approved by the Federal Emergency Management Agency (FEMA). Until the new study is adopted by FEMA, both the 2012 Study and the previous floodplain study, hereon referred to as the 1994 Study must be considered to determine the flooding conditions for the site. Both floodplain models indicate that the site is located within the 100-year floodplain, conveyance zone and high hazard flood zone. The 100-year flood water depths around the buildings are generally around 3 feet, with velocities ranging from approximately 5 feet per second to 8 feet per second. Floodplain maps and cross section information is included in Appendix A.

### **3.3 CURRENT USE OF PROPERTY**

Both the New Britain Building and the Park Central Building are owned, managed and used by the City of Boulder. Within the New Britain Building are Human Resources, Housing and Human Services and Information Technology. The Park Central Building contains Public Works, Community Planning & Sustainability and Planning and Development Services. Although the property is zoned Public and allows these current uses, if the structures were substantially damaged by a 100-year flood event, they could not be rebuilt because they are located in the high hazard flood zone where structures intended for human occupancy are not allowed.

## **4.0 INFORMATION PROVIDED BY THE CITY OF BOULDER**

### **4.1 DRAWINGS**

- Structural, architectural and civil drawings of the Park Central building dated December 15<sup>th</sup>, 1972.
- Architectural drawing of the 2<sup>nd</sup> Floor plan for the New Britain Building Remodel, dated May 8, 2006.

### **4.2 BRIDGE CONSTRUCTION PHOTOS**

Photos from the Broadway Bridge over Boulder Creek replacement project

### **4.3 FLOOD INFORMATION**

- 1994 Flood Study maps and data
- 2012 Flood Study maps and data

## **5.0 INVESTIGATION OF EXISTING CONDITIONS**

### **5.1 METHODOLOGY AND LIMITING CONDITIONS**

The original construction drawings that were provided by the City of Boulder were reviewed to determine the existing structural configuration of the Park Central Building. These drawings also contained a soil boring log, included in Appendix C. Original construction drawings were not available for the New Britain Building, so a field investigation was performed to determine the sizes and configuration of foundation elements and structural systems. Observations were limited to visible components. No destructive investigation or soils testing were performed. There were no available soils reports for the site.

Additional information about the foundation elements and existing soils was provided by city personnel who had experience with construction projects in the area and had made field observations of the excavations during the construction of the adjacent Broadway Bridge.

## 6.0 BUILDING DESCRIPTIONS

### 6.1 DESCRIPTION OF NEW BRITAIN BUILDING



The New Britain building is a 3-story wood structure framed with wood joists spanning approximately 30'-0" bearing on a central steel beam spanning approximately 20'-0" to 8" diameter steel columns bearing on 12'-0" x 12'-0" x 16" concrete spread footings, and exterior bearing walls supported on 8" thick concrete stem walls, over a 72" x 12" continuous concrete spread footing. The bearing elevation of

the footings is approximately 4'-6" below first floor elevation. These components were visible in the crawl space. The following components were not observable without destructive testing, but are consistent with wood framed structures:

- The walls are assumed to consist of 2x6 or 2x8 studs at 16" with exterior plywood sheathing and glazing.
- The roof structure is assumed to consist of wood mansard trusses supported by exterior bearing walls and a central line of support.

### 6.2 DESCRIPTION OF PARK CENTRAL BUILDING

Drawings for the Park Central building were provided by the City of Boulder. The structure is a four-story concrete structure consisting of a 4" concrete slab-on-grade, 8" thick, post-tensioned concrete floor slabs and an 8" thick, post tensioned concrete roof slab spanning 30'-0" supported by 24" deep by 16" wide exterior post-tensioned concrete spandrel beams, and an interior central concrete beam strip integral within the thickness of the slab. The spandrel beams and central beam strip are supported by concrete columns –



16” x 16”, 16” x 14”, 14” x 20” and 14” x 24”. The concrete columns are founded on concrete spread footings. Based on the drawings, the footings bearing elevation is 5’-0” below the top of first floor elevation; however, during the Broadway Bridge over Boulder Creek replacement project, these footings were observed by city personnel to be much shallower - more on the order of 2’-6” below top of first floor elevation. There is a concrete-enclosed stair tower at the west end of the structure and a concrete and storefront enclosed combined stair tower and elevator shaft at the east end of the structure. Additionally, there is a brick-faced, one story structure at the southeast corner of the structure. Analysis of the existing restaurant at the southeast corner of the Park Central Building is not included in this report.

## 7.0 FINDINGS AND REQUIRED IMPROVEMENTS

### 7.1 FINDINGS

The flood studies were reviewed to determine flood water elevations and velocities. This information was used to determine the flood loads for the buildings. A preliminary scour analysis based on the available soils information was performed in order to determine the impacts of scouring on the existing foundation systems. The existing structures were then analyzed for flood conditions and improvements to the buildings were designed that would resist the flood conditions. Complete structural calculations are contained in Appendix B. The following are summaries of our analysis results:

TABLE 6.1 - SUMMARY OF RELEVANT ELEVATIONS

Building	FFE	WSE	FPE	Δ	BOF	DOS	Δ Ftg	Δ Flr
	[Ft]	[Ft]	[Ft]	[Ft]	[Ft]	[Ft]	[Ft]	[Ft]
New Britain	5349.00	5350.24	5352.24	3.24	5344.5	5342.92	-1.58	-6.08
Park Central	5348.37	5349.77	5351.77	3.40	5345.87	5342.29	-3.58	-5.26

Elevations are expressed in NAVD88 Datum. Abbreviations: FFE = Finished Floor Elevation, WSE = Water Surface Elevation (aka Base Flood Elevation), FPE = Flood Protection Elevation, BOF = Bottom of Footing Elevation, DOS = Depth of Scour elevation.

The forces used for our analysis are based on the more restrictive of the newly adopted 2012 Boulder Creek floodplain study and the preceding 1994 Boulder Creek floodplain study. Calculations used to determine these forces are contained in Appendix B. The following is a summary of the forces to the structure:

TABLE 6.2 - SUMMARY OF FORCES TO STRUCTURE

Building	Hydrostatic	Buoyant	Hydrodynamic	Debris Impact	Special Impact
	[PLF]	[PSF]	[PLF]	[#]	[#]
New Britain	328	202	247	2,463	100
Park Central	361	212	113	1,627	100

## 7.2 NEW BRITAIN

### 7.2.1. Foundation Improvements

As indicated in Table 6.1, during a 100-year flood event, scouring would cause the existing footings to be undermined by approximately 1.6 feet, thereby compromising the supporting foundations of the superstructure. In order to support the existing structure, a new foundation support system would need to be installed to replace the existing foundation system. The system analyzed is comprised of 4 new primary grade beams spanning below the east-west gridlines, supporting the existing columns. The grade beams are supported by pier caps approximately 10'x6'x3' with 2 – 36" diameter drilled piers per cap. Based on the historical boring logs from the Park Central drawing set, and assumed soil parameters, the drilled piers would need to be approximately 35 feet long to get adequate penetration into the bedrock. The two interior grade beams are 78" deep x 24" wide, and the two exterior grade beams are 66" deep x 24" wide. A 48" deep x 18" wide grade beam will span north-south between the primary grade beams to support the walls.

### **7.2.2. Superstructure Improvements**

As indicated in table 6.1, the flood protection elevation is 3.24 feet above the first floor elevation of the New Britain building. The storefront between the vertical brick bands would need to be replaced with 8” concrete infill walls to flood protection elevation. The existing first floor is of wood construction, and in the event of scour, would not be effective at resisting water infiltration. The first floor wood framing system would need to be replaced with an 8” thick structural concrete slab spanning from grade beam to grade beam to effectively resist the buoyant forces and prevent water infiltration.

The elevator shaft would need to be improved to meet the requirements of FEMA FIA-TB-4. The elevator pit would need to be waterproofed, a float switch would need to be installed, and no electronic equipment may be located below the flood protection elevation.

### **7.2.3. Opinion of Probable Cost for Structural Improvements**

We estimate that the cost to floodproof the structural elements of the New Britain building to be approximately **\$669,000**. This cost does not include architectural elements (such as door gaskets, membranes, elevator float switches), utility relocation, parking slabs, relocation of employees during construction, etc.

The market value of the New Britain building structure is \$945,900 based on the current Boulder County Assessment Report for the property. Since the costs for the required structural improvements exceed 50% of the market value of the structure, the improvements are considered ‘substantial improvements’ as defined in 9-16-1 of the City of Boulder Revised Code. Additionally, both structures are located in the high hazard zone based on both the 1994 study and the 2012 study, and are therefore prohibited from being improved in accordance with 9-3-5(d)(2) of the City of Boulder Revised Code.

## **7.3 PARK CENTRAL**

### **7.3.1. Foundation Improvements**

As indicated in Table 6.1, during a 100-year flood event, scouring would cause the existing footings to be undermined by approximately 3.6 feet, thereby compromising the

supporting foundations of the superstructure. In order to support the existing structure, a new foundation support system similar to that of the New Britain building would need to be installed to replace the existing foundation system. Because the building is constructed with concrete, the loads are much larger than that of the New Britain building, thereby yielding a more substantial foundation improvement. Interior column reactions are on the order of 570 kips. The system analyzed is comprised of 5 new primary grade beams spanning below the north-south gridlines, supporting the existing columns. The grade beams are supported by pier caps around the building perimeter, approximately 10'x6'x3' with 2 – 36" diameter drilled piers per cap. Based on the historical boring logs from the Park Central drawing set, and assumed soil parameters, the drilled piers would need to be approximately 40 feet long to get adequate penetration into the bedrock. The two exterior grade beams are 78" deep x 30" wide, and the two interior grade beams are 94" deep x 48" wide. A 48" deep x 18" wide grade beam will span north-south between the primary grade beams to support the walls.

### **7.3.2. Superstructure Improvements**

The west stair tower is enclosed in concrete and impermeable to the 100-year flood loads; however, the door would need to be replaced with a floodproof door and the slab-on-grade would need to be replaced with a structural slab tied into the existing concrete walls. The slab would need to be 6" thick to resist the buoyancy pressures of 212 psf (see table 6.2).

The east stair tower/elevator shaft is enclosed with concrete and storefront. The concrete walls are adequate to resist flood loading, but the storefront system would need to be replaced with either tempered glass or a concrete wall up to the flood protection elevation of 3.4 feet above first floor, and the door would need to be replaced with a floodproof door. The elevator shaft would need to be improved to meet the requirements of FEMA FIA-TB-4. The elevator pit would need to be waterproofed, a float switch would need to be installed, and no electronic equipment may be located below the flood protection elevation.

The existing columns were checked for debris impact of approximately 1,600 pounds, based on a 5,000# truck impacting the column for a duration of ½ second at the flood protection elevation. This criterion is more stringent than is what is required by the City of Boulder floodplain regulations, which is a 1,000# object impacting for a duration of 1 second. The resulting internal column reactions were loaded to approximately 12% of their capacity, as the columns are heavily reinforced (minimum of 4 - 1" diameter rebar in a 16"x16" concrete column).

### **7.3.3. Opinion of Probable Cost for Structural Improvements**

We estimate that the cost to floodproof the structural elements of the Park Central building to be approximately **\$1,075,000**. This cost does not include architectural elements (such as door gaskets, membranes, elevator float switches), utility relocation or retrofitting, parking slabs, relocation of employees during construction, etc.

The market value of the Park Central building structure is \$1,519,100 based on the current Boulder County Assessment Report for the property. Since the costs for the required structural improvements exceed 50% of the market value of the structure, the improvements are considered 'substantial improvements' as defined in 9-16-1 of the City of Boulder Revised Code. Additionally, both structures are located in the high hazard zone based on both the 1994 study and the 2012 study, and are therefore prohibited from being improved in accordance with 9-3-5(d)(2) of the City of Boulder Revised Code.

## **8.0 CONCLUSIONS**

After conducting our assessment, we have concluded that the buildings as constructed are not able to withstand the 100-year flood event. Based on the flood and soil parameters for the site, the foundations of both buildings would be undermined due to scour, which would result in the collapse of the structures. The measures that would be required to floodproof and reinforce the existing foundations of the New Britain and Park Central buildings are extensive and costly. The structural improvements alone are estimated to be \$669,000 for the New Britain Building and \$1,075,000 for the Park Central building. Much of the work required would be difficult to construct, especially for the New Britain building, as significant work would take place in confined spaces and below the existing structure. There is limited access for heavy equipment to

excavate for the grade beams and pier caps, as well as access for drill rigs to install drilled piers. As mentioned elsewhere in the report, there would be costs incurred in addition to the required structural improvements.

## 9.0 REFERENCES

The following published references were used in the preparation of this report:

Federal Emergency Management Agency: *Technical Bulletin 3: Non-Residential Floodproofing-Requirements and Certification for Buildings Located in Special Flood Hazard Area*, 1993

Federal Emergency Management Agency: *FEMA-102: Floodproofing Non-Residential Structures*, May 1986.

Federal Emergency Management Agency: *FEMA-114: Design Manual for Retrofitting Flood-Prone Residential Structures*, September 1986.

Federal Emergency Management Agency: *FIA-TB-4: Elevator Installation for Buildings Located in Special Flood Hazard Areas*

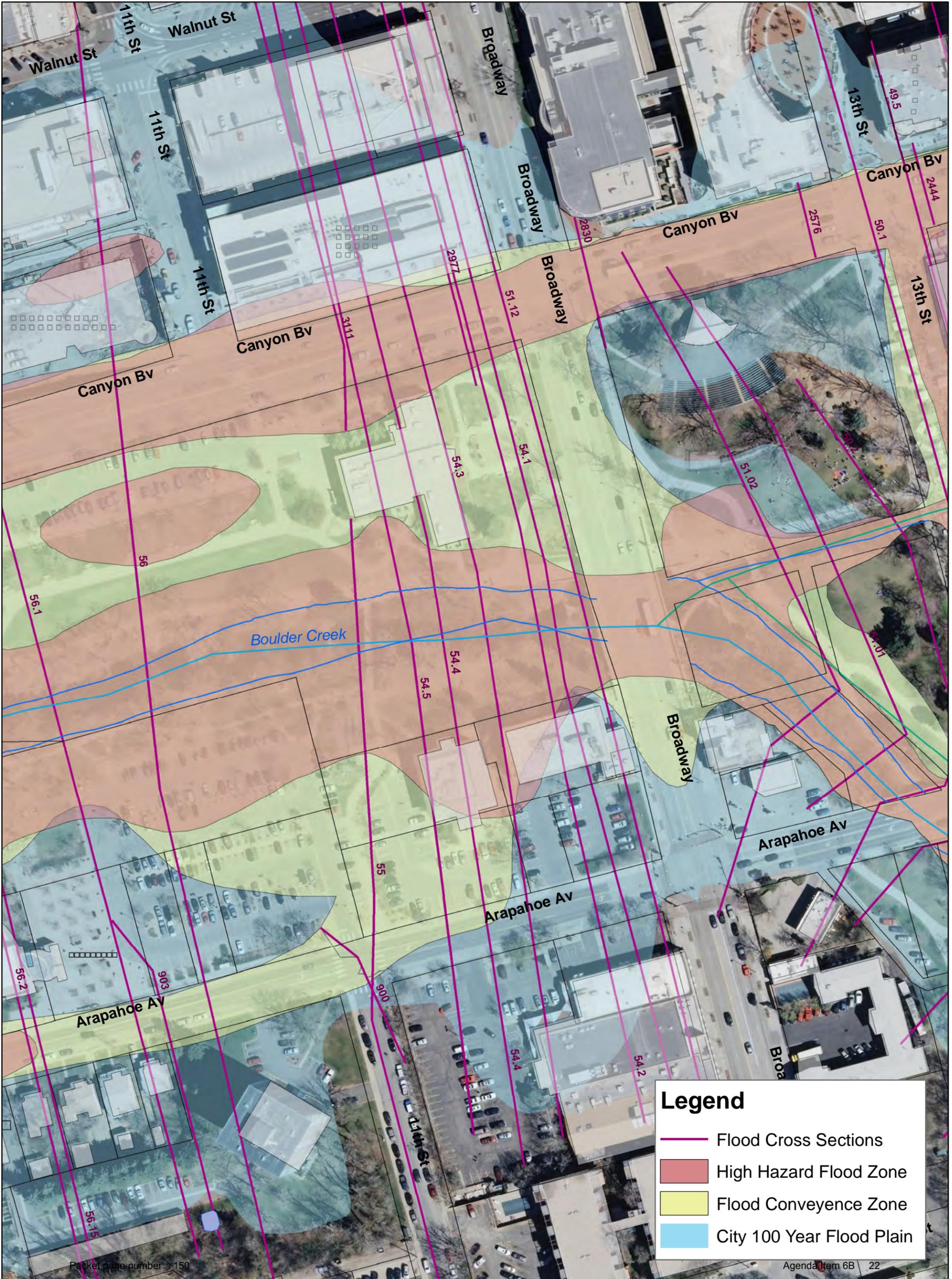
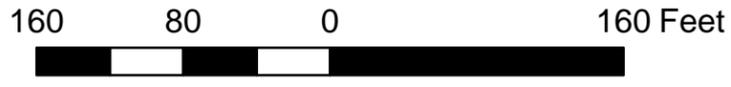
Colorado State University: *Colorado State University Pier Scour Equation (modified from Richardson and others)*, 1993.



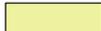
# **Appendix A**

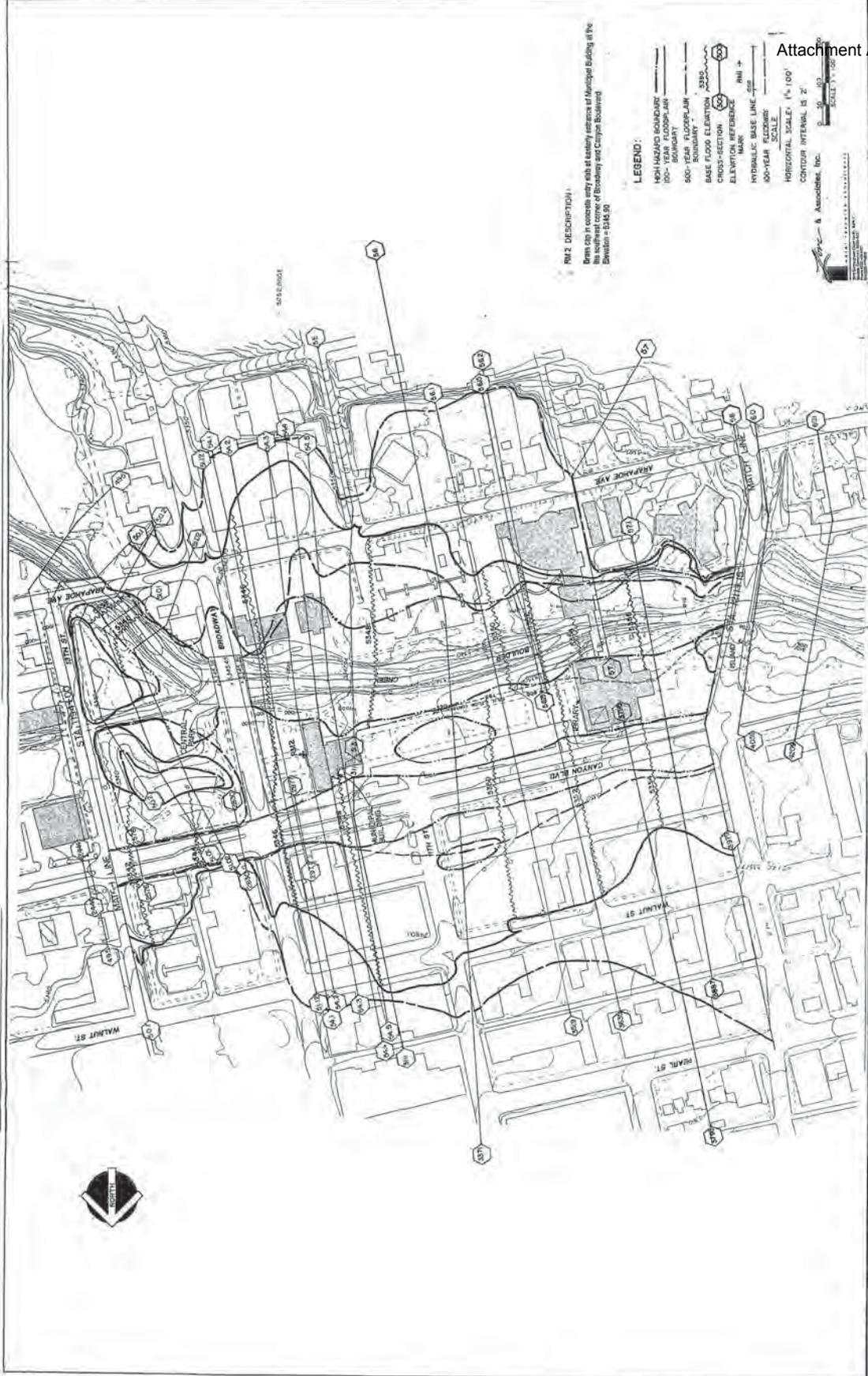
## Flood Study Information

# City of Boulder 1994 Boulder Creek Floodplain Study



**Legend**

-  Flood Cross Sections
-  High Hazard Flood Zone
-  Flood Conveyance Zone
-  City 100 Year Flood Plain



**FM2 DESCRIPTION:**  
 Draw city in concrete utility cells at existing locations of Manly Building at the  
 the southwest corner of Broadway and Canyon Boulevard  
 Elevation = 8245.30

**LEGEND:**

- 100-YEAR FLOODPLAIN BOUNDARY
- 500-YEAR FLOODPLAIN BOUNDARY
- BASE FLOOD ELEVATION CROSS-SECTION
- ELEVATION REFERENCE MARK
- HYDRAULIC BASE LINE
- 100-YEAR SCALE
- HORIZONTAL SCALE: 1" = 100'
- CANTOR INTERVAL: 2'

Attachment A

**CITY OF BOULDER, COLORADO**

DATE		REVISION	RECORD	DRW. CYS	DESIGN	RECOMMEND FOR APPROVAL
DATE	BY	DESCRIPTION	DATE	BY	DATE	BY

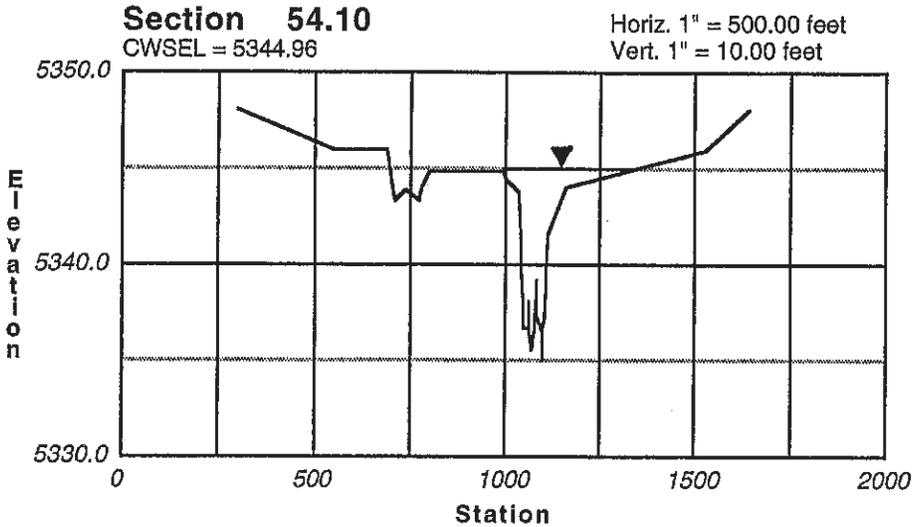
FLOODPLAIN: 100-YEAR TO 100-YEAR  
 Boulder Creek Physical Map/Database Project: 01/18/2011 - 1/18/2011  
 PROJ. NO. B03201      DATE PLOTTED      SHEET 3 OF 6

NO.	DESCRIPTION	DATE

**Boulder Creek - Main**

Page 26; Date:4/1/94

**Love & Associates, Inc.** Alignment A  
 2995 Centergreen Court South, Suite C.  
 Boulder, Colorado 80301-5421



\*SECNO 54.100

3301 HV CHANGED MORE THAN HVINS

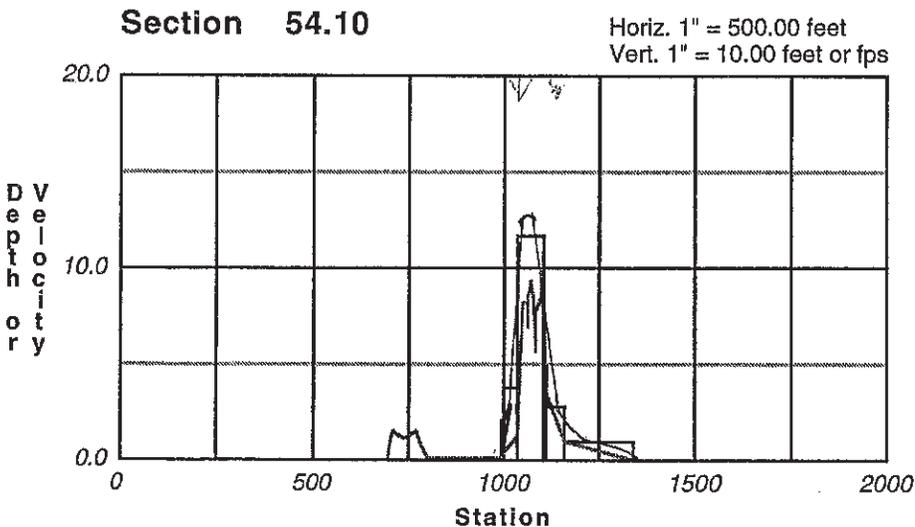
7185 MINIMUM SPECIFIC ENERGY

3720 CRITICAL DEPTH ASSUMED

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6746.2	119.4	6042.7	584.1	32.7	520.2	232.6	91.4	28.1	5337.25
.09	3.65	11.62	2.51	.040	.050	.100	.000	5335.00	996.00
.012232	30.	30.	30.	0	11	0	.00	342.41	1338.41

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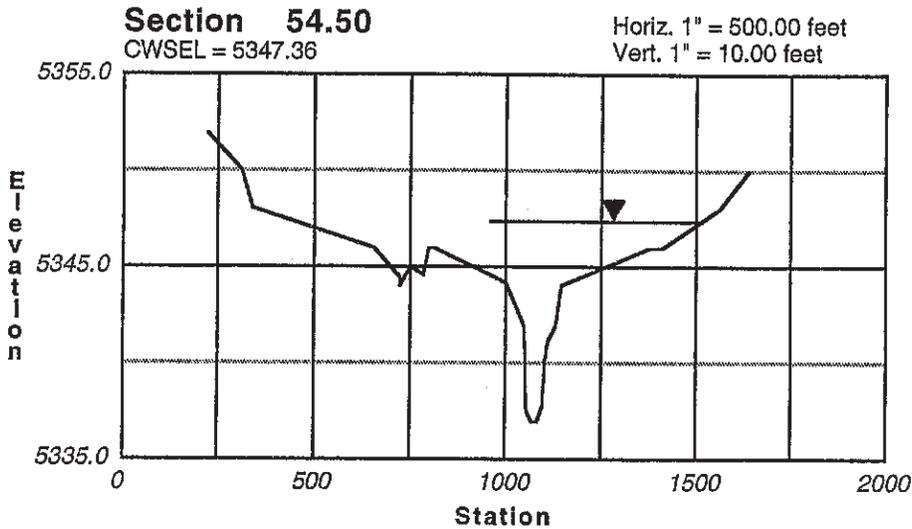
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AREA=	1.6	31.1	520.2	44.7	101.9	86.0	
VEL=	2.1	3.7	11.6	4.8	2.8	1.0	
DEPTH=	.4	.9	7.4	5.6	2.2	.5	



# Boulder Creek - Main

Page 30; Date:4/1/94

Attachment A  
**Love & Associates, Inc.**  
 2995 Centergreen Court South, Suite C.  
 Boulder, Colorado 80301-5421

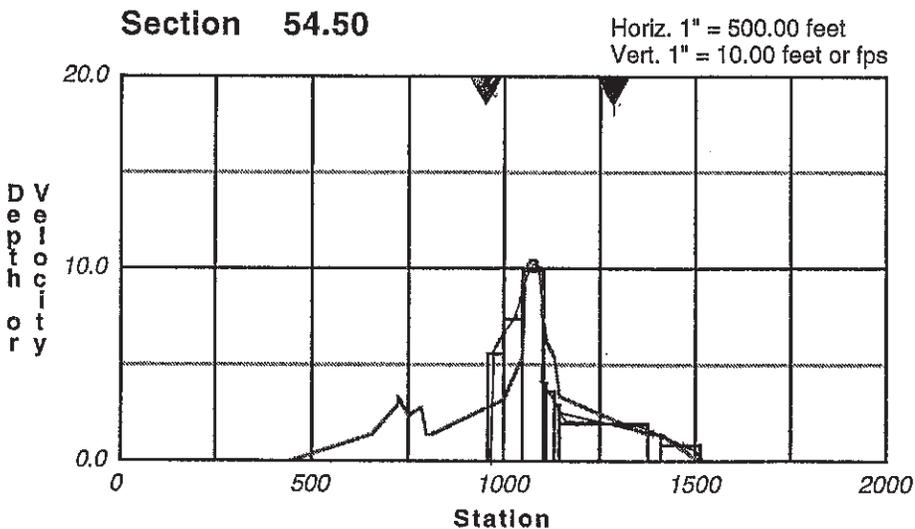


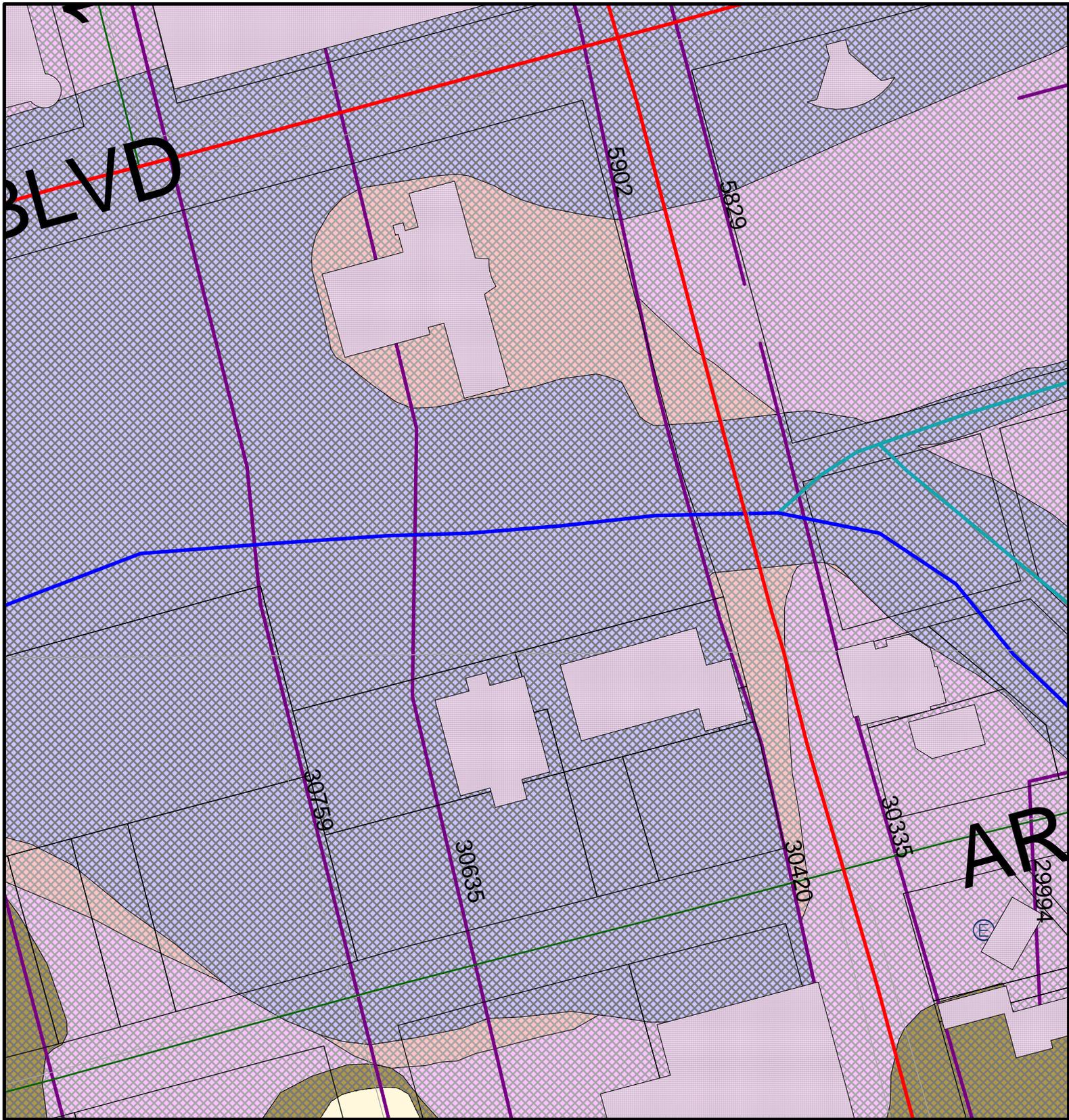
\*SECNO 54.500

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9600.0	2249.8	5281.5	2068.7	338.3	532.8	902.8	98.8	30.4	5340.20
.09	6.65	9.91	2.29	.040	.050	.100	.000	5336.90	955.00
.005637	35.	35.	35.	2	21	0	.00	557.28	1512.28

FLOW DISTRIBUTION FOR SECNO= 54.50 CWSEL= 5347.36

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AREA=	132.5	205.8	532.8	67.1	127.9	48.0	543.7	46.4	69.7	
VEL=	5.5	7.4	9.9	4.0	3.6	2.9	2.0	1.4	.9	
DEPTH=	2.9	4.3	9.6	6.7	5.8	4.4	2.4	1.4	.7	





**LEGEND**

- Street Names
- Building Footprints
- Roads
- Arterial
- Highway
- Street Centerlines
- Service Polylines
- Curb & Ditches
- Creek
- Intermittent Creek
- Ditch Lateral
- Aqueduct
- Subwater
- Ownership Parcels
- Flood Elevation Certificates
- Flood work in progress X Sections
- Flood work in progress High Hazard
- Flood work in progress Conveyance
- Flood work in progress 100 Year
- Flood work in progress 300 Year
- Lakes
- City Limits

Packet page number 154



1:1200



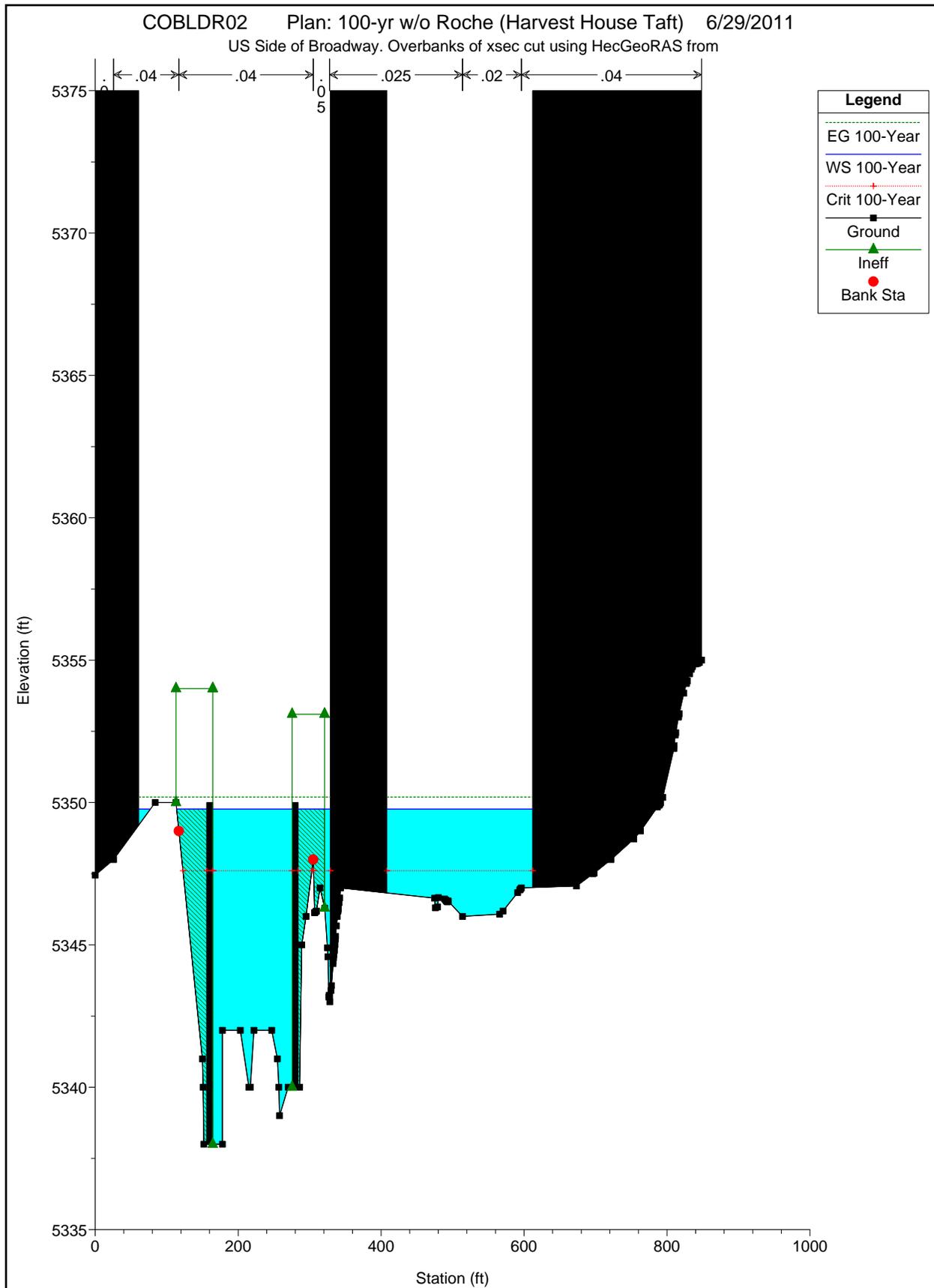
MapLink  
City of Boulder GIS

The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

Agenda Item 6B-26

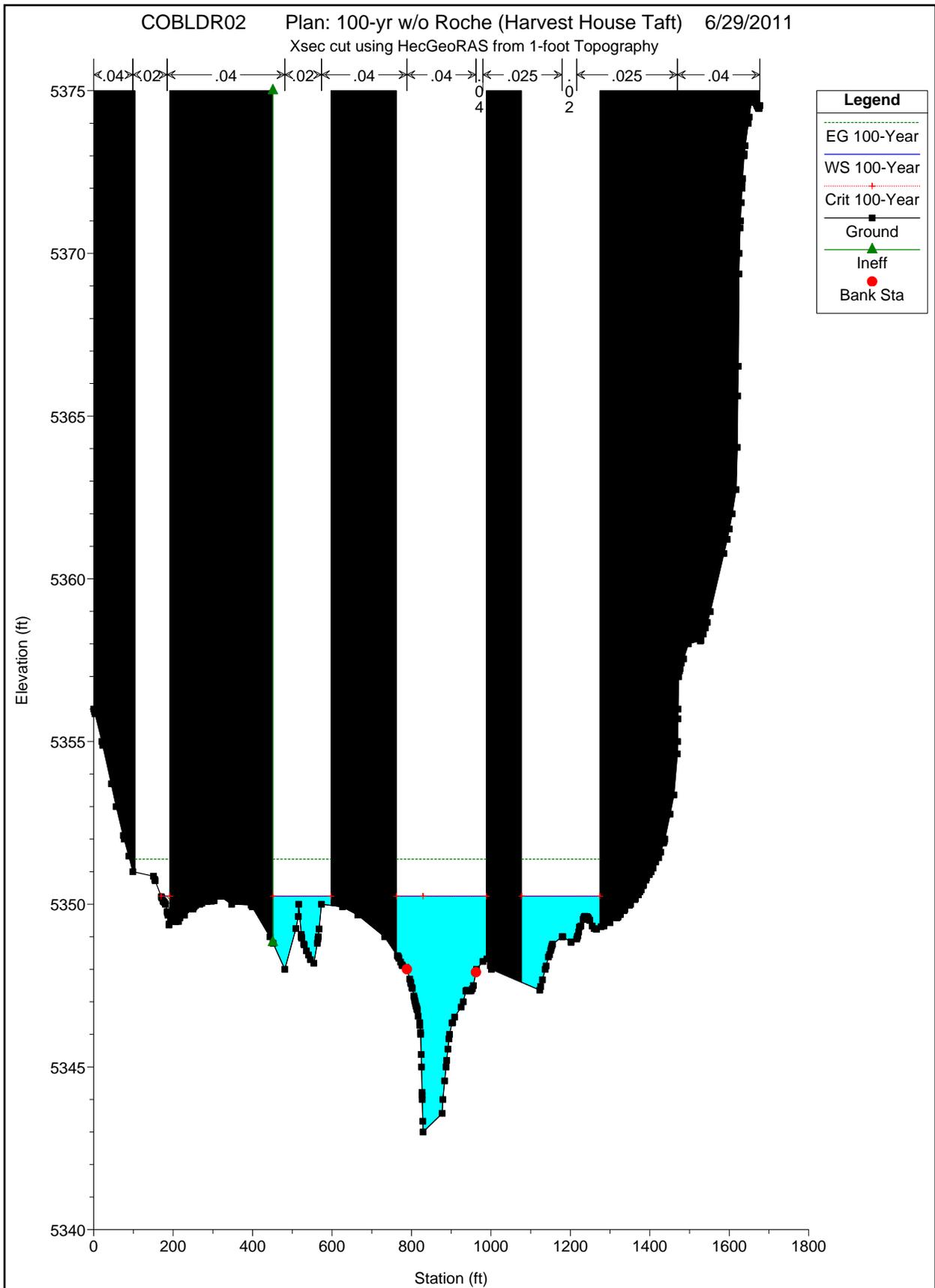
Plan: 100yr Taft Boulder Creek Broadway-Arap RS: 30420 Profile: 100-Year

E.G. Elev (ft)	5350.19	Element	Left OB	Channel	Right OB
Vel Head (ft)	0.42	Wt. n-Val.	0.040	0.040	0.024
W.S. Elev (ft)	5349.77	Reach Len. (ft)	1.00	1.00	1.00
Crit W.S. (ft)	5347.60	Flow Area (sq ft)	4.56	987.92	711.86
E.G. Slope (ft/ft)	0.001430	Area (sq ft)	5.74	1307.10	762.46
Q Total (cfs)	8888.98	Flow (cfs)	2.68	5159.00	3727.30
Top Width (ft)	418.37	Top Width (ft)	19.37	171.00	228.00
Vel Total (ft/s)	5.22	Avg. Vel. (ft/s)	0.59	5.22	5.24
Max Chl Dpth (ft)	11.77	Hydr. Depth (ft)	0.28	8.90	3.36
Conv. Total (cfs)	235052.8	Conv. (cfs)	70.8	136420.3	98561.7
Length Wtd. (ft)	1.00	Wetted Per. (ft)	16.86	137.84	225.40
Min Ch El (ft)	5338.00	Shear (lb/sq ft)	0.02	0.64	0.28
Alpha	1.00	Stream Power (lb/ft s)	0.01	3.34	1.48
Frctn Loss (ft)		Cum Volume (acre-ft)	1.83	12.78	1.85
C & E Loss (ft)		Cum SA (acres)	0.43	1.24	0.43



Plan: 100yr Taft Boulder Creek 6th-Broadway RS: 30635 Profile: 100-Year

E.G. Elev (ft)	5351.38	Element	Left OB	Channel	Right OB
Vel Head (ft)	1.14	Wt. n-Val.	0.027	0.040	0.025
W.S. Elev (ft)	5350.24	Reach Len. (ft)			
Crit W.S. (ft)	5350.24	Flow Area (sq ft)	249.22	793.08	381.91
E.G. Slope (ft/ft)	0.008116	Area (sq ft)	256.68	793.08	381.91
Q Total (cfs)	12000.00	Flow (cfs)	1700.51	7272.42	3027.07
Top Width (ft)	590.81	Top Width (ft)	194.08	173.85	222.88
Vel Total (ft/s)	8.43	Avg. Vel. (ft/s)	6.82	9.17	7.93
Max Chl Dpth (ft)	7.24	Hydr. Depth (ft)	1.44	4.56	1.71
Conv. Total (cfs)	133199.6	Conv. (cfs)	18875.6	80723.6	33600.4
Length Wtd. (ft)		Wetted Per. (ft)	176.35	174.86	228.47
Min Ch El (ft)	5343.00	Shear (lb/sq ft)	0.72	2.30	0.85
Alpha	1.03	Stream Power (lb/ft s)	4.89	21.07	6.71
Frctn Loss (ft)	0.70	Cum Volume (acre-ft)	0.61	3.92	1.85
C & E Loss (ft)	0.36	Cum SA (acres)			



# **Appendix B**

## **Structural Calculations**





Project: NB &amp; PC Str Flood Assessment

Job #: 12-043 Designer: DEK

Date: October 22, 2012

## New Britain Building - Flood Analysis

### Design Criteria (FEMA FIA-TB-3):

#### General:

Velocity of Water (V) =	7.93	ft/s
Specific Weight of Water (w) =	62.4	pcf
Mass Density of Water (m) =	1.94	slugs/ft <sup>3</sup>
Equiv. Fluid Weight of Saturated Soil (S) =	0	pcf
Acceleration Due to Gravity (g) =	32.2	ft/s <sup>2</sup>

#### Resultant Lateral Force Due to Hydrostatic Pressure From Freestanding Water:

Height of Freestanding Water (H) =	3.24	ft
Depth of Saturated Soil (D) =	0.0	ft

$$F_h = 1/2wH^2 = \underline{328} \#$$

$$F_{sat} = 1/2SD^2 + F_h = \underline{328} \#$$

#### Buoyancy Force:

Area of Horizontal Surface (A <sub>h</sub> ) =	1.00	ft <sup>2</sup>
Depth of Building Below Flood Protection Elevation (H) =	3.24	ft

$$F_h = wA_hH = \underline{202} \#$$

#### Hydrodynamic Force:

Drag Coefficient (C <sub>d</sub> ) =	1.25	
Area of Vertical Surface (A <sub>v</sub> ) =	3.24	ft <sup>2</sup>

$$F_d = C_d m 1/2 V^2 A_v = \underline{247} \#$$

#### Debris (Normal) Impact Force:

Weight of Object (W) =	5000	#
Duration of Impact (t) =	0.5	sec

$$F_i = WV/(gt) = \underline{2463} \#$$

#### Special Impact Force:

$$F_{is} = \underline{100} \text{ plf}$$



Project: NB &amp; PC Str Flood Assessment

Job #: 12-043

Designer:

DEK

Date: October 22, 2012

## New Britain Building - Scour Analysis

### Colorado State University Pier Scour Equation (Modified from Richardson, 1993):

$$y_s/y_1 = 2K_1K_2K_3(a/y_1)^{0.65}F_r^{0.43}$$

$y_s =$	<b>6.09</b>	<b>Feet</b>	Depth of Scour
$y_1 =$	<b>3.24</b>	Feet	Upstream Flow Depth
$K_1 =$	<b>1</b>		Pier Nose Shape Correction Factor (Dimensionless)
$K_2 =$	<b>1</b>		Skew Correction Factor (Dimensionless) - $(\cos\theta + L/a \sin\theta)^{0.65}$
$K_3 =$	<b>1.1</b>		Bed Form Correction Factor (Dimensionless)
$a =$	<b>3</b>	Feet	Width of Pier
$F_r =$	<b>0.78</b>		Froude Number - $(F_r = V_e/(gy_a)^{1/2})$
$\theta =$	<b>90</b>	Degrees	Angle of Attack of Flow
$V_e =$	<b>7.93</b>	Ft/sec	Average Velocity of Flow

#### Correction Factor, $K_1$ For Pier Nose Shape

Shape of Pier Nose	$K_1$
Square Nose	1.1
Round Nose	1.0
Circular Cylinder	1.0
Group of Cylinders	1.0
Sharp Nose	0.9

#### Correction Factor, $K_3$ For Bed Form

Shape of Pier Nose	Dune Height H [Feet]	$K_3$
Clear Water Scour	N/A	1.1
Plane Bed & Antidun Flow	N/A	1.1
Small Dunes	$10 > H > 2$	1.1
Medium Dunes	$30 > H > 10$	1.1 to 1.2
Large Dunes	$H > 30$	1.3

## Concrete Beam Design:

### New Britain Exterior Grade Beam - 78" Deep Grade Beam - 62'-0 Span:

#### Internal Reactions:

Ma =	3678.6	ft kips
Mu =	5150.0	ft kips
Vu =	142.0	kips
Tu =	0.0	kips

#### Geometry:

b =	24.0	in	
h =	78.0	in	
d =	74.00	in	
A <sub>s</sub> =	18.00	in <sup>2</sup>	[(2) #5]
A <sub>v</sub> =	2.0	in <sup>2</sup>	
s =	6.0	in	

#### Material Properties:

f' <sub>c</sub> =	4,000	psi
w <sub>c</sub> =	145	pcf
f <sub>y</sub> =	60,000	psi
n =	8	
β <sub>1</sub> =	0.85	
E =	3,644,147	psi

#### Mechanical Properties:

ρ =	0.0101	
ρ <sub>b</sub> =	0.0285	
ρ <sub>max</sub> =	0.0214	
x <sub>b</sub> =	43.80	in
a <sub>b</sub> =	35.04	in

M <sub>cr</sub> =	962	ft kips
y <sub>t</sub> =	39.00	in
I <sub>cr</sub> =	746,160	in <sup>4</sup>
I <sub>gr</sub> =	949,104	in <sup>4</sup>
I <sub>e</sub> =	749,790	in <sup>4</sup>

#### Beam Capacities:

M <sub>u</sub> =	5150.0	ft kips	
ϕM <sub>n</sub> =	5458.0	ft kips	<= OK

V <sub>u</sub> =	142	kips	
ϕV <sub>n</sub> =	1,278	kips	<= OK

## Concrete Beam Design:

### New Britain Interior Grade Beam - 66" Deep Grade Beam - 62'-0" Span:

#### Internal Reactions:

Ma =	1842.9	ft kips
Mu =	2580.0	ft kips
Vu =	71.0	kips
Tu =	0.0	kips

#### Geometry:

b =	24.0	in	
h =	66.0	in	
d =	62.00	in	
A <sub>s</sub> =	10.00	in <sup>2</sup>	[(2) #5]
A <sub>v</sub> =	2.0	in <sup>2</sup>	
s =	6.0	in	

#### Material Properties:

f' <sub>c</sub> =	4,000	psi
w <sub>c</sub> =	145	pcf
f <sub>y</sub> =	60,000	psi
n =	8	
β <sub>1</sub> =	0.85	
E =	3,644,147	psi

#### Mechanical Properties:

ρ =	0.0067	
ρ <sub>b</sub> =	0.0285	
ρ <sub>max</sub> =	0.0214	
x <sub>b</sub> =	36.69	in
a <sub>b</sub> =	29.36	in

M <sub>cr</sub> =	689	ft kips
y <sub>t</sub> =	33.00	in
I <sub>cr</sub> =	424,734	in <sup>4</sup>
I <sub>gr</sub> =	574,992	in <sup>4</sup>
I <sub>e</sub> =	432,578	in <sup>4</sup>

#### Beam Capacities:

M <sub>u</sub> =	2580.0	ft kips	
ϕM <sub>n</sub> =	2624.6	ft kips	<= OK

V <sub>u</sub> =	71	kips	
ϕV <sub>n</sub> =	1,071	kips	<= OK



Project: NB &amp; PC Str Flood Ass

Job #: 12-043 Designer:

Date: October 22, 2012

## Park Central Building - Flood Analysis

### Design Criteria (FEMA FIA-TB-3):

#### General:

Velocity of Water (V) =	5.24	ft/s
Specific Weight of Water (w) =	62.4	pcf
Mass Density of Water (m) =	1.94	slugs/ft <sup>3</sup>
Equiv. Fluid Weight of Saturated Soil (S) =	0	pcf
Acceleration Due to Gravity (g) =	32.2	ft/s <sup>2</sup>

#### Resultant Lateral Force Due to Hydrostatic Pressure From Freestanding Water:

Height of Freestanding Water (H) =	3.40	ft
Depth of Saturated Soil (D) =	0.0	ft

$$F_h = 1/2wH^2 = \underline{361} \#$$

$$F_{sat} = 1/2SD^2 + F_h = \underline{361} \#$$

#### Buoyancy Force:

Area of Horizontal Surface (A <sub>h</sub> ) =	1	ft <sup>2</sup>
Depth of Building Below Flood Protection Elevation (H) =	3.40	ft

$$F_h = wA_hH = \underline{212} \#$$

#### Hydrodynamic Force:

Drag Coefficient (C <sub>d</sub> ) =	1.25	
Area of Vertical Surface (A <sub>v</sub> ) =	3.40	ft <sup>2</sup>

$$F_d = C_d m 1/2 V^2 A_v = \underline{113} \#$$

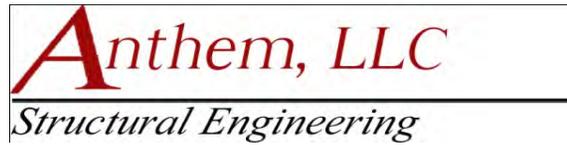
#### Debris (Normal) Impact Force:

Weight of Object (W) =	5000	#
Duration of Impact (t) =	0.5	sec

$$F_i = WV/(gt) = \underline{1627} \#$$

#### Special Impact Force:

$$F_{is} = \underline{100} \text{ plf}$$



Project: NB &amp; PC Str Flood Assessment

Job #: 12-043

Designer:

DEK

Date: October 22, 2012

## Park Central Building - Scour Analysis

### Colorado State University Pier Scour Equation (Modified from Richardson, 1993):

$$y_s/y_1 = 2K_1K_2K_3(a/y_1)^{0.65}F_r^{0.43}$$

$y_s =$	<b>5.12</b>	<b>Feet</b>	Depth of Scour
$y_1 =$	<b>3.4</b>	Feet	Upstream Flow Depth
$K_1 =$	<b>1</b>		Pier Nose Shape Correction Factor (Dimensionless)
$K_2 =$	<b>1</b>		Skew Correction Factor (Dimensionless) - $(\cos\theta + L/a \sin\theta)^{0.65}$
$K_3 =$	<b>1.1</b>		Bed Form Correction Factor (Dimensionless)
$a =$	<b>3</b>	Feet	Width of Pier
$F_r =$	<b>0.5</b>		Froude Number - $(F_r = V_e/(gy_a)^{1/2})$
$\theta =$	<b>90</b>	Degrees	Angle of Attack of Flow
$V_e =$	<b>5.24</b>	Ft/sec	Average Velocity of Flow

#### Correction Factor, $K_1$ For Pier Nose Shape

Shape of Pier Nose	$K_1$
Square Nose	1.1
Round Nose	1.0
Circular Cylinder	1.0
Group of Cylinders	1.0
Sharp Nose	0.9

#### Correction Factor, $K_3$ For Bed Form

Shape of Pier Nose	Dune Height H [Feet]	$K_3$
Clear Water Scour	N/A	1.1
Plane Bed & Antidun Flow	N/A	1.1
Small Dunes	$10 > H > 2$	1.1
Medium Dunes	$30 > H > 10$	1.1 to 1.2
Large Dunes	$H > 30$	1.3

## Concrete Beam Design:

### Park Central Exterior Grade Beam - 78" Deep Grade Beam - 62'-0 Span:

#### Internal Reactions:

Ma =	4250.0	ft kips
Mu =	5950.0	ft kips
Vu =	575.0	kips
Tu =	0.0	kips

#### Geometry:

b =	24.0	in	
h =	78.0	in	
d =	74.00	in	
A <sub>s</sub> =	20.00	in <sup>2</sup>	[(2) #5]
A <sub>v</sub> =	2.0	in <sup>2</sup>	
s =	6.0	in	

#### Material Properties:

f' <sub>c</sub> =	4,000	psi
w <sub>c</sub> =	145	pcf
f <sub>y</sub> =	60,000	psi
n =	8	
β <sub>1</sub> =	0.85	
E =	3,644,147	psi

#### Mechanical Properties:

ρ =	0.0113	
ρ <sub>b</sub> =	0.0285	
ρ <sub>max</sub> =	0.0214	
x <sub>b</sub> =	43.80	in
a <sub>b</sub> =	35.04	in

M <sub>cr</sub> =	962	ft kips
y <sub>t</sub> =	39.00	in
I <sub>cr</sub> =	754,397	in <sup>4</sup>
I <sub>gr</sub> =	949,104	in <sup>4</sup>
I <sub>e</sub> =	756,655	in <sup>4</sup>

#### Beam Capacities:

M <sub>u</sub> =	5950.0	ft kips	
φM <sub>n</sub> =	5998.2	ft kips	<= OK

V <sub>u</sub> =	575	kips	
φV <sub>n</sub> =	1,278	kips	<= OK

## Concrete Beam Design:

### Park Central Interior Grade Beam - 94" Deep Grade Beam - 62'-0 Span:

#### Internal Reactions:

Ma =	8500.0	ft kips
Mu =	11900.0	ft kips
Vu =	1150.0	kips
Tu =	0.0	kips

#### Geometry:

b =	48.0	in	
h =	94.0	in	
d =	90.00	in	
A <sub>s</sub> =	40.00	in <sup>2</sup>	[(40) #9]
A <sub>v</sub> =	2.0	in <sup>2</sup>	
s =	6.0	in	

#### Material Properties:

f' <sub>c</sub> =	4,000	psi
w <sub>c</sub> =	145	pcf
f <sub>y</sub> =	60,000	psi
n =	8	
β <sub>1</sub> =	0.85	
E =	3,644,147	psi

#### Mechanical Properties:

ρ =	0.0093	
ρ <sub>b</sub> =	0.0285	
ρ <sub>max</sub> =	0.0214	
x <sub>b</sub> =	53.27	in
a <sub>b</sub> =	42.61	in

M <sub>cr</sub> =	2,794	ft kips
y <sub>t</sub> =	47.00	in
I <sub>cr</sub> =	2,657,221	in <sup>4</sup>
I <sub>gr</sub> =	3,322,336	in <sup>4</sup>
I <sub>e</sub> =	2,680,848	in <sup>4</sup>

#### Beam Capacities:

M <sub>u</sub> =	11900.0	ft kips	
φM <sub>n</sub> =	14876.5	ft kips	<= OK

V <sub>u</sub> =	1,150	kips	
φV <sub>n</sub> =	1,760	kips	<= OK

# Anthem, LLC

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## Structural Engineering

Project: NB & PC Flood  
 Job #: 12-045 Designer: DEK  
 Date: October 22, 2012

### Concrete Beam Design:

#### NewBritain - Structural Slab

#### Internal Reactions:

Ma =	8.9	ft kips
Mu =	12.5	ft kips
Vu =	1.5	kips
Tu =	0.0	kips

#### Geometry:

b =	12.0	in	
h =	8.0	in	
d =	6.00	in	
A <sub>s</sub> =	0.66	in <sup>2</sup>	[#6 @ 8"]
A <sub>v</sub> =	2.0	in <sup>2</sup>	
s =	6.0	in	

#### Material Properties:

f' <sub>c</sub> =	4,000	psi
w <sub>c</sub> =	145	pcf
f <sub>y</sub> =	60,000	psi
n =	8	
β <sub>1</sub> =	0.85	
E =	3,644,147	psi

#### Mechanical Properties:

ρ =	0.0092	
ρ <sub>b</sub> =	0.0285	
ρ <sub>max</sub> =	0.0214	
x <sub>b</sub> =	3.55	in
a <sub>b</sub> =	2.84	in

M <sub>cr</sub> =	5	ft kips
y <sub>t</sub> =	4.00	in
I <sub>cr</sub> =	208	in <sup>4</sup>
I <sub>gr</sub> =	512	in <sup>4</sup>
I <sub>e</sub> =	263	in <sup>4</sup>

#### Beam Capacities:

M <sub>u</sub> =	12.5	ft kips	
φM <sub>n</sub> =	16.4	ft kips	<= OK

V <sub>u</sub> =	2	kips	
φV <sub>n</sub> =	97	kips	<= OK

## Concrete Beam Design:

### Park Central - 16" Square Column With Debris Impact Load:

#### Internal Reactions:

Ma =	7.1	ft kips
Mu =	10.0	ft kips
Vu =	1.5	kips
Tu =	0.0	kips

#### Geometry:

b =	16.0	in	
h =	16.0	in	
d =	13.50	in	
A <sub>s</sub> =	1.40	in <sup>2</sup>	[(2) #5]
A <sub>v</sub> =	2.0	in <sup>2</sup>	
s =	6.0	in	

#### Material Properties:

f' <sub>c</sub> =	4,000	psi
w <sub>c</sub> =	145	pcf
f <sub>y</sub> =	60,000	psi
n =	8	
β <sub>1</sub> =	0.85	
E =	3,644,147	psi

#### Mechanical Properties:

ρ =	0.0065	
ρ <sub>b</sub> =	0.0285	
ρ <sub>max</sub> =	0.0214	
x <sub>b</sub> =	7.99	in
a <sub>b</sub> =	6.39	in

M <sub>cr</sub> =	27	ft kips
y <sub>t</sub> =	8.00	in
I <sub>cr</sub> =	2,963	in <sup>4</sup>
I <sub>gr</sub> =	5,461	in <sup>4</sup>
I <sub>e</sub> =	137,679	in <sup>4</sup>

#### Beam Capacities:

M <sub>u</sub> =	10.0	ft kips	
φM <sub>n</sub> =	80.2	ft kips	<= OK

V <sub>u</sub> =	2	kips	
φV <sub>n</sub> =	223	kips	<= OK

# Appendix C

## Historic Soil Boring Logs

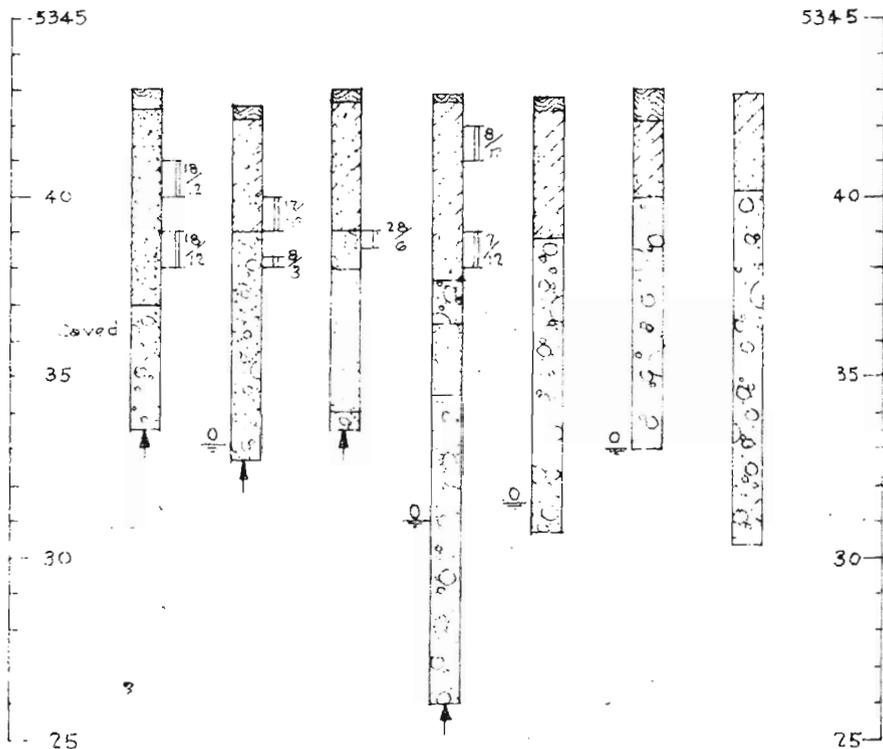
# LOG OF EXPLORATORY HOLES

New Britain Co  
Property Line

Attachment A

New location of existing sign.  
Set posts in concrete

- TH BORING #1 elev. 5343.0'
- TH BORING #2 elev. 5342.6'
- TH BORING #3 elev. 5343.0'
- TH BORING #4 elev. 5342.19'
- TP TEST PIT #1 elev. 5342.8'
- TP TEST PIT #2 elev. 5343.0'
- TP TEST PIT #3 elev. 5342.9'

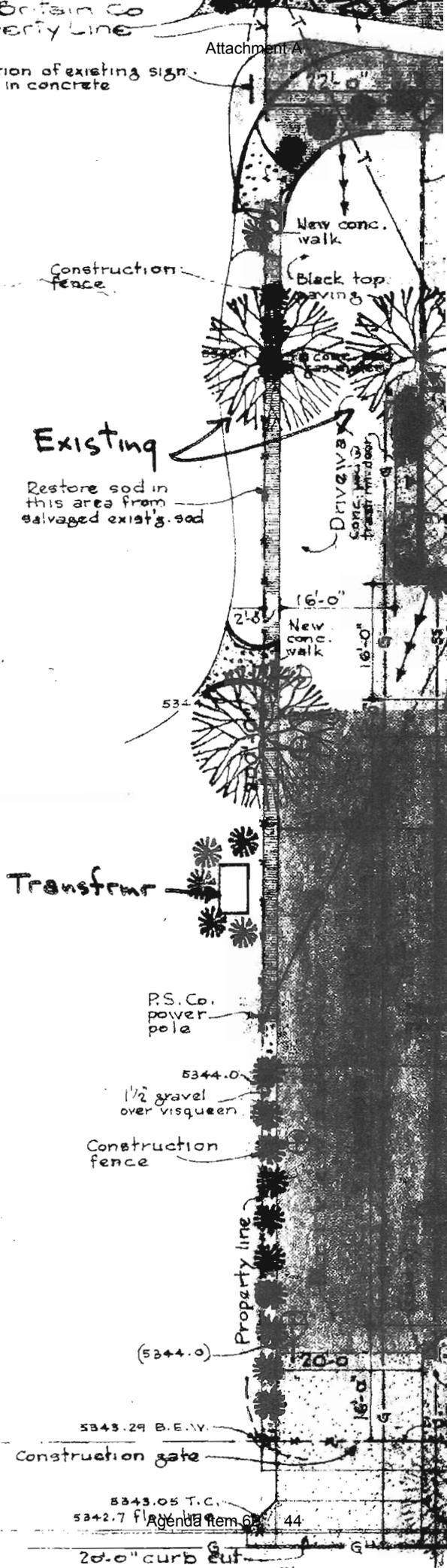


## LEGEND

- Topsoil, sand, silty, contains roots & decomposing vegetation, dark brown.
- Sand, silty, gravelly, occasionally clayey, contains occasional cobble & debris, probable fill, medium brown to dark brown loose to medium dense.
- Sand, gravelly with occasional cobble, relatively clean, medium brown.
- Random mixture of gravel & cobbles in a matrix of sand, medium brown, medium dense.
- Free water level & the number of days after drilling that measurement was taken.
- Indicates drilling refusal.
- Indicates that a blow of a 140 lb. hammer falling 30" were required to drive a 2" outside diameter sampler 12".

## NOTES

1. Borings were performed December 13, 1972 with a 4" continuous flight power auger. Test pits were excavated December 7, 1972 with a tractor-mounted backhoe.
2. Elevations are approximate & were referred to a bench mark (elevation 5345.2') being a cross in the top of the sidewalk @ the southwest corner of the bridge on Broadway north of the proposed building.
3. Boring logs & test pits shown in this report are subject to the limitations, explanations & conclusions of the report.



# Appendix D

## Opinion of Probable Cost

**New Britain Building - Opinion of Probable Costs for Floodproofing**

Item				Qty	Unit	Unit Cost	Subtotal	Difficulty Multiplier	Subtotal	Sub Terms & Cond.	GC Terms & Conditions	Total	
<b>Shoring</b>	<b>Bldg Area [SF]</b>												
	4200			4200.0	SF	\$17.24	\$72,408	1.50	\$108,612	\$10,861	\$11,947	\$131,421	
<b>Demolition of &lt;E&gt; Foundations</b>	<b>Area [SF]</b>	<b>Depth [Ft]</b>	<b>Number</b>										
	144	1.3	12	2246.4	CF	\$3.75	\$8,424	2.00	\$16,848	\$1,685	\$1,853	\$20,386	
<b>Grade Beams</b>	<b>Area [SF]</b>	<b>Length [Ft]</b>	<b>Number</b>										
	78" x 24" Concrete GB	13	62	2	59.7	CY	\$983	\$58,689	1.60	\$93,902	\$9,390	\$10,329	\$113,621
	66" x 24" Concrete GB	11	62	2	50.5	CY	\$984	\$49,710	1.60	\$79,536	\$7,954	\$8,749	\$96,239
	48" x 18" Concrete GB	6	20	6	26.7	CY	\$985	\$26,267	1.60	\$42,027	\$4,203	\$4,623	\$50,852
<b>Drilled Piers</b>		<b>Length [Ft]</b>	<b>Number</b>										
	36" Diameter	35	12	420.0	VLF	\$123	\$51,706	1.40	\$72,389	\$7,239	\$7,963	\$87,590	
<b>Pier Caps</b>	<b>Area [SF]</b>	<b>Depth [Ft]</b>	<b>Number</b>										
	10'x6'x3'	60	3	8	53.3	CY	\$347	\$18,493	1.20	\$22,191	\$2,219	\$2,441	\$26,852
<b>Concrete Structural Slab</b>	<b>Area [SF]</b>	<b>Depth [Ft]</b>											
	4200	0.67		104.2	CY	\$586	\$61,035	1.20	\$73,242	\$7,324	\$8,057	\$88,622	
<b>Conc Wall Infill</b>	<b>Area [SF]</b>	<b>Depth [Ft]</b>											
	512	0.67		12.7	CY	\$398	\$5,052	1.15	\$5,809	\$581	\$639	\$7,029	
<b>Storefront</b>	<b>Area [SF]</b>												
	360			360.0	SF	\$107	\$38,520	1.00	\$38,520	\$3,852	\$4,237	\$46,609	
<b>Total: <u>\$669,222</u></b>													

**Park Central Building - Opinion of Probable Costs for Floodproofing**

Item	Qty	Unit	Unit Cost	Subtotal	Difficulty Multiplier	Subtotal	Sub Terms & Cond.	GC Terms & Conditions	Total
<b>Shoring</b>									
	6820.0	SF	\$17.24	\$117,577	1.30	\$152,850	\$15,285	\$16,813	\$184,948
<b>Demolition of &lt;E&gt; Foundations</b>									
	5227.2	CF	\$3.75	\$19,602	1.50	\$29,403	\$2,940	\$3,234	\$35,578
<b>Grade Beams</b>									
78" x 30" Concrete GB	73.5	CY	\$983	\$72,232	1.60	\$115,572	\$11,557	\$12,713	\$139,842
94" x 48" Concrete GB	220.4	CY	\$984	\$216,917	1.60	\$347,068	\$34,707	\$38,177	\$419,952
48" x 18" Concrete GB	26.7	CY	\$985	\$26,267	1.60	\$42,027	\$4,203	\$4,623	\$50,852
<b>Drilled Piers</b>									
36" Diameter	800.0	VLF	\$123	\$98,488	1.50	\$147,732	\$14,773	\$16,251	\$178,756
<b>Pier Caps</b>									
10'x6'x3'	66.7	CY	\$347	\$23,116	1.20	\$27,739	\$2,774	\$3,051	\$33,564
<b>Storefront</b>									
	240.0	SF	\$107	\$25,680	1.00	\$25,680	\$2,568	\$2,825	\$31,073
<b>Total: <u>\$1,074,565</u></b>									



# Flood Zones

December 4, 2012

## How might floods affect the Civic Area?

The civic area is located directly adjacent to Boulder Creek. The level of the creek fluctuates throughout the year and has the potential to increase suddenly, particularly in response to precipitation events west of the city. These fluctuations frequently cause nuisance flooding of low-lying areas such as pedestrian underpasses. A significant precipitation event could send several feet of water, mud, rocks, trees, and debris through the civic area. This type of "flash flood" event has the potential to sweep people away, move vehicles, and destroy buildings.

## What is the flood risk?

The most common method of evaluating flood risk is to identify the area of land that has a 1% probability of being inundated in any given year. This area is referred to as the 100-year floodplain. The vast majority of the civic area is located in the 100-year floodplain (see map).

Within the 100-year floodplain, the city defines an additional flood area known as the High Hazard Zone (HHZ). The HHZ covers areas where the combination of water depth and speed are such that people are likely to be swept away. Current city regulations limit development and redevelopment in HHZ areas to help minimize loss of life in a major flood.



*Flooding on Bear Canyon Creek (Table Mesa Drive)*

Are you aware that the City of Boulder is the #1 flash flood risk in the State of Colorado? Floods can happen with less than 45 minutes of warning! To be prepared before, during, and after a flood, visit:

**[BoulderFloodInfo.net](http://BoulderFloodInfo.net)**

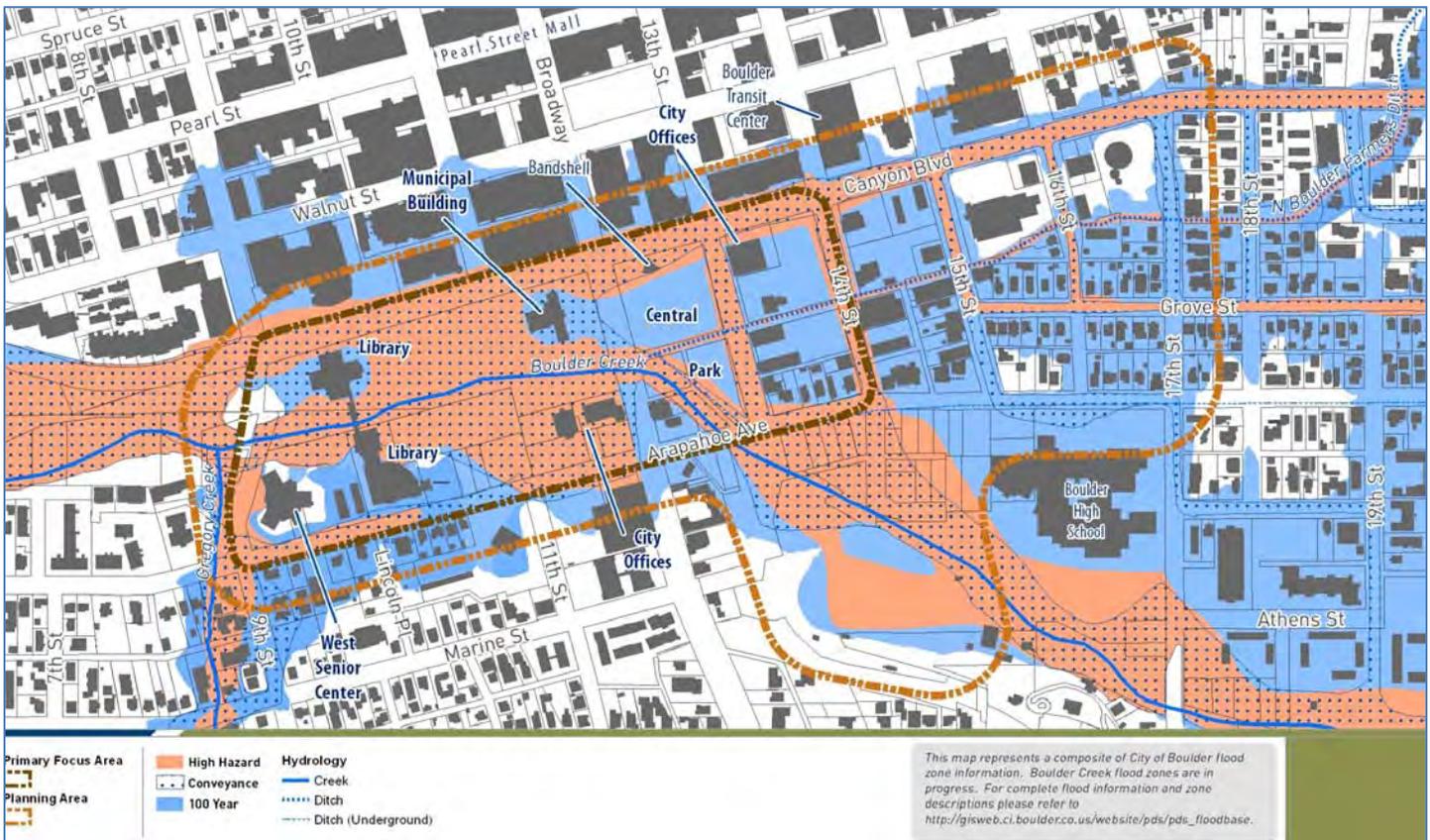
## What buildings and parking are in the floodplain?

Several city buildings are located within the 100-year floodplain. Of particular concern, the New Britain and Park Central office buildings (NW corner of Arapahoe Avenue and Broadway), are located within the HHZ (see map). In the event of a major flood event, both evacuees and the structures themselves would be at significant risk.

The Civic Area also contains a significant amount of parking (almost 600 spaces) located within the 100-year floodplain. Vehicles can become buoyant in as little as 18-inches of water and create a significant hazard. About half of the parking is also located in the HHZ, meaning that people attempting to reach their vehicles would risk being swept away by flood waters.

## Does climate change mean that flooding is more likely?

Current city floodplain mapping is based on historic precipitation data. Floodplain studies are updated periodically as new information and better technology becomes available. Extreme weather events (e.g., floods and droughts) are expected to get larger at a global scale; however, specific information is not yet available that would form a clear basis for updates to city flood models. More severe storms could result in larger areas of the city being identified as subject to flooding or HHZ conditions. It should be noted that existing flood zone boundaries are an approximation. Flood events larger than the 100-year storm can and do occur. Property damage and loss of life can occur during events of a much smaller magnitude than a 100-year storm. Both the approximate nature of floodplain limits and the likelihood of future changes to mapping should be carefully considered in evaluating flood risks.

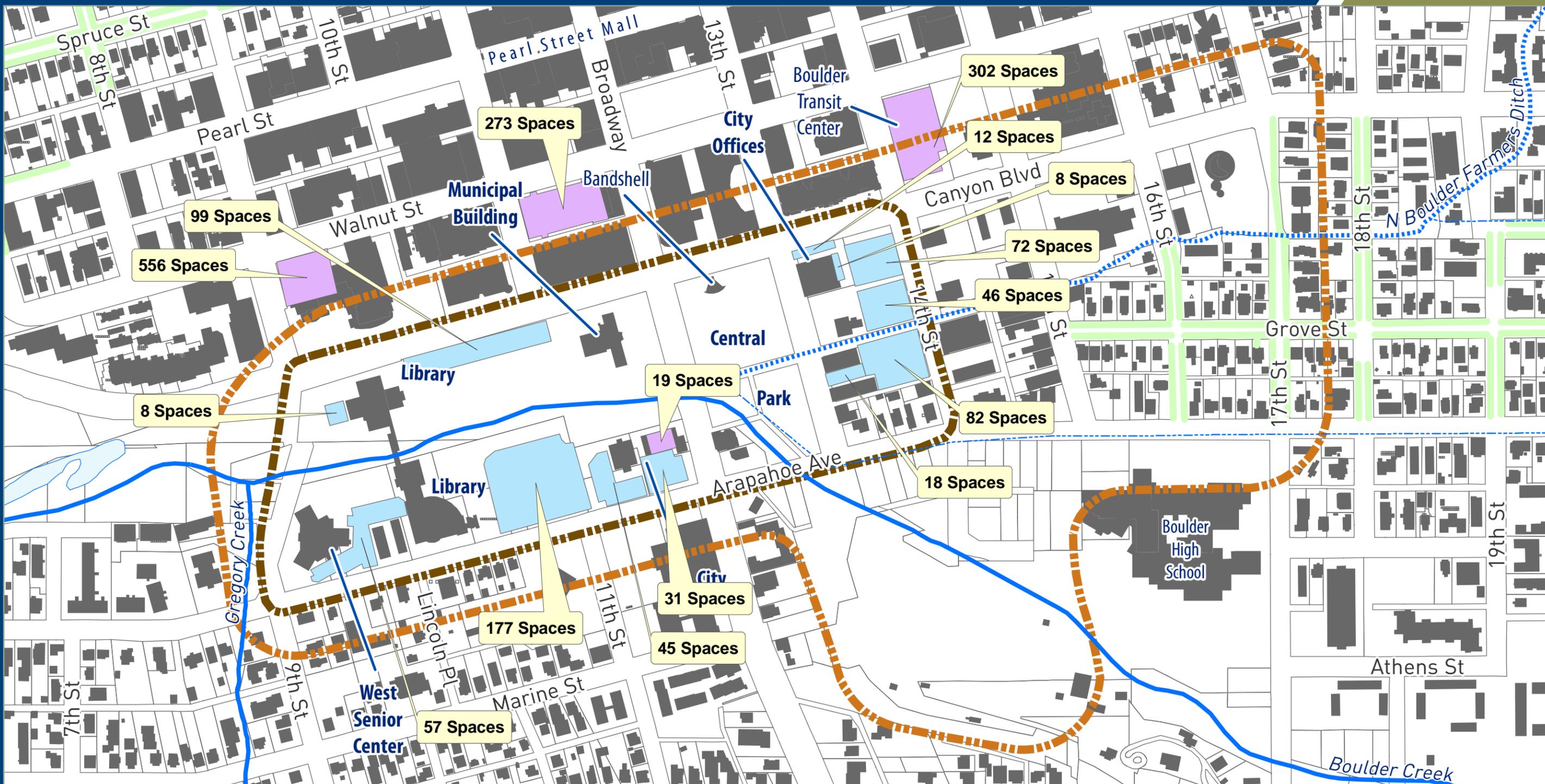


Flood Zones Figure

Flood Zone Types and Definitions

Flood Zone Designation	Definition / Floodplain Regulation
<b>100-Year Floodplain</b>	A floodplain development permit is required for all development activities. Development is permitted, subject to the provision of flood protection measures to mitigate the risk of property loss or damage. For non-residential applications, the lowest floor of any new structure or addition must be elevated above the flood protection elevation or be flood proofed to ensure that the structure is watertight with walls substantially impermeable to the passage of flood waters below the protection elevation. New parking lots are not permitted where flood depths would exceed 18 inches.
<b>High Hazard Flood Zone</b>	High hazard flood zones designate the areas where significant life safety risks exist and thus have major development constraints to minimize loss of life and property damage. The current High Hazard Zone (HHZ) regulation prohibits new development intended for human occupancy in this zone and significantly limits further investment in existing facilities.
<b>Conveyance Zone</b>	The Conveyance zone represents a zone for passing flood flows along the creek corridor without increasing flood depths or redirecting flood waters. New obstructions to flood waters in these areas would need to be offset by increasing flow capacity at other locations. Development of these areas is limited to activities that do not adversely impact existing and future development.

# Parking



**Primary Focus Area**



**Planning Area**



**Parking Lots/Garages**

-  Parking Garage
-  Surface Lot
-  Neighborhood Parking Zone



## **Council Working Agreements**

### **Council Process:**

- The Council will work on general discipline in being prepared to ask questions and make comments.
- The Council asks the Mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The Mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.

### **Council Communication:**

- Council members agree to keep quasi-judicial roles scrupulously clean between members of boards and members of council, like expressing ideas to board members on things coming before the Board, and carefully disclose or recuse themselves when they're involved with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, the a hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The Council will find ways to support majority council decisions and adequately inform the public, through response letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

### **Council Committees**

- Council goal committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each goal committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.



**2013  
Study Session Calendar**

<b>Date</b>	<b>Status</b>	<b>Topic</b>	<b>Time</b>	<b>Televised</b>	<b>Location</b>	<b>Contacts</b>	<b>Materials Due</b>
01/15/13		Economic Update	6-7:30 PM	YES	Chambers	Eric Nickell	01/03/13
01/15/13		Retreat Preparation	7:30-9 PM	NO	Chambers	Alisa Lewis	01/03/13
01/18/13		Council Retreat	4-8 PM	NO	EBRC	Alisa Lewis	01/08/13
01/19/13		Council Retreat	8-5 PM	NO	EBRC	Alisa Lewis	01/08/13
01/29/13		Civic Area Plan: Ideas Competition	6-9 PM	NO	Chambers		01/17/13
02/12/13		State of the City	5:00-5:30 PM	YES	Chambers	Patrick von Keyserling	N/A
02/12/13		Joint Dinner with Landmarks Board	5:30-7:30 PM	NO	Chambers	Susan Richstone	01/13/13
02/12/13		Economic Sustainability Strategy	7:30-8:30 PM	NO	Chambers	Bob Eichem	01/13/13
02/26/13		Boulder's Energy Future	6-9 PM	YES	Chambers	Heather Bailey Heidi Joyce	02/14/13
03/07/13		Boards and Commissions Interviews	6-9 PM	NO	1777 West	Dianne Marshall	N/A
03/12/13		Boards and Commissions Interviews	6-9 PM	NO	Chambers	Dianne Marshall	N/A
03/14/13		Boards and Commissions Interviews	6-9 PM	NO	1777 West	Dianne Marshall	N/A
04/02/13		Boards and Commissions Reception with Council	5-6 PM	NO	Muni Lobby	Dianne Marshall	N/A
04/09/13		Transportation Finance (TMF)	6-8 PM	NO	Chambers	Chris Hagelin Laurel Olsen-Horen	02/28/13
04/09/13		Winter Storm/Snow Response	8-9 PM	NO	Chambers	Felix Gallo Laurel Olsen-Horen	02/28/13
04/23/13		Budget Update, Revenue Update and Ballot Measures	6-7:30 PM	YES	Chambers	Eric Nickell	04/11/13
04/23/13		Police & Fire Old Hire Pension Plans	7:30-9:30 PM	YES	Chambers	Eric Nickell	04/11/13
04/30/13		Assessment of Boulder Access and Parking Management Strategies	6:00-8:00 PM	NO	Chambers	Molly Winter Ruth Weiss	04/18/13
04/30/13		Climate Action Update	8:00-9:00 PM	NO	Chambers		04/11/13
05/14/13		Energy Roundtable	4:30-5:30 PM	NO	Chambers	Heather Bailey Heidi Joyce	N/A

**2013  
Study Session Calendar**

<b>Date</b>	<b>Status</b>	<b>Topic</b>	<b>Time</b>	<b>Televised</b>	<b>Location</b>	<b>Contacts</b>	<b>Materials Due</b>
05/14/13		Comprehensive Housing Strategy	6-9 PM	NO	Chambers	Jeff Yegian Randall Roberts	05/02/13
05/28/13		Parks and Recreation Master Plan	6:00-9:00 PM	NO	Chambers	Kirk Kincannon Sally Dieterich	05/16/12
06/11/13		Work Plan Update	6-7 PM	NO	Chambers	Paul Fetherston	05/30/13
06/11/13			7-9 PM				05/30/13
07/23/13		Civic Area Plan	6:00-7:30 PM	NO	Chambers	Leslie Ellis Sam Assefa	07/11/13
07/23/13		Zero Waste Management Plan	7:30-9:00 PM	NO	Chambers	Susan Richstone	05/16/13
07/30/13			6-9 PM				07/18/13
08/13/13		CIP	6-9 PM	YES	Chambers	Eric Nickell	08/01/13
08/27/13		Boulder's Energy Future	6-7:30 PM	YES	Chambers	Heather Bailey Heidi Joyce	08/15/13
08/27/13			7:30-9 PM				
09/10/13		Recommended Budget #1	6-9 PM	YES	Chambers	Eric Nickell	08/29/13
09/24/13		Recommended Budget #2 Remaining Overarching Issues with OSBT	6-9 PM	NO	Chambers	Eric Nickell Mark Gershman Cecil Fenio	09/12/13
10/08/13			6-9 PM				09/26/13
10/22/13			6-9 PM				10/10/13
10/29/13		Cultural Master Plan Update	6:00-7:30 PM	NO	Chambers	Valerie Maginnis Leanne Slater	10/17/13
10/29/13			7:30-9:00 PM				10/17/13
11/12/13			6-9 PM				10/31/13
12/10/13		Human Services Master Plan	6-7 PM	NO	Chambers	Karen Rahn Randall Roberts	11/29/13
12/10/13			7-9 PM				11/29/13

January 8, 2013 Preliminary: 12/26 :: Final 1/2	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
<b>Consent</b>					
1st Reading proposed changes to the Historic Preservation Ordinance and the definition of Demolition		Yes			Marcy Cameron
December 11, 2012 Boulder's Energy Future Study Session Summary					Heidi Joyce
Parks and Recreation Master Plan Summary					Alison Rhodes
<b>Public Hearing</b>					
Hwy 93 underpass - IGA and disposition	30 min.		10 min.	CDOT Deadline	Jim Reeder
<b>MATTERS FROM CITY MANAGER:</b>					
Council Input on Comcast Franchise Renewal	1 hour		10 min.	Needed prior to Feb or Mar.	Carl Castillo
<b>MATTERS FROM CITY ATTORNEY:</b>					
<b>MATTERS FROM MAYOR AND MEMBERS:</b>					
<b>CALL-UPS:</b>					
<b>January 22, 2013 Preliminary: 1/9 :: Final 1/15</b>					
Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact	
<b>CONSENT:</b>					
Keep it Clean IGA				Current IGA ends 3/13	Laurel Olsen-Horen
1st reading Proposed changes to the MU-4 zone district in Boulder Junction					Louise Grauer / Melinda Melton
2nd Reading 2475 Topaz Drive Annexation and Initial Zoning	30 min.		10 min.		Elaine McLaughlin/Sara Finrock
<b>PUBLIC HEARINGS:</b>					
<b>MATTERS FROM CITY MANAGER:</b>					
Pottery Program Working Group Recommendation and Next Steps	30 min.		10 min.		Kirk Kincannon
Discussion of request from Town of Nederland Board of Trustees	30 min.				Jeff Arthur
<b>MATTERS FROM CITY ATTORNEY:</b>					
<b>MATTERS FROM MAYOR AND MEMBERS:</b>					
Education Excise Tax final RFP criteria	30 min.		10 min.		Carl Castillo
<b>CALL-UPS:</b>					

February 5, 2013 Preliminary: 1/23 :: Final 1/29	Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact
<b>Consent</b>					
2nd reading Keep It Clean IGA					Laurel Olsen-Horen
<b>Public Hearing</b>					
2nd Reading proposed changes to the Historic Preservation Ordinance and the definition of Demolition	1 hour	Yes	10 min.		Marcy Cameron
<b>MATTERS FROM CITY MANAGER:</b>					
<b>MATTERS FROM CITY ATTORNEY:</b>					
<b>MATTERS FROM MAYOR AND MEMBERS:</b>					
<b>CALL-UPS:</b>					
<b>February 19, 2013 Preliminary: 2/6 :: Final 2/12</b>					
Est. time	CAO to Prepare Ord.?	Power Point	Timing Issues/ Comments	Contact	
<b>CONSENT:</b>					
<b>PUBLIC HEARINGS:</b>					
Public Hearing on Amendment 64	2 hours		10 min.		Tom Carr
<b>MATTERS FROM CITY MANAGER:</b>					
<b>MATTERS FROM CITY ATTORNEY:</b>					
<b>MATTERS FROM MAYOR AND MEMBERS:</b>					
<b>CALL-UPS:</b>					

March 5, 2013 Preliminary: 2/20 :: Final 2/26	Est. Time	CAO to Prep. Ord.?	Power Point	Timing Issues/ Comments	Contact
<b>Consent</b>					
First Reading of Inclusionary Housing Rental Policy Ordinance Revisions	1 hour	Yes	10 min.		Jeff Yegian
<b>PUBLIC HEARINGS:</b>					
<b>MATTERS FROM CITY MANAGER:</b>					
None					
<b>MATTERS FROM CITY ATTORNEY:</b>					
None					
<b>MATTERS FROM MAYOR AND MEMBERS:</b>					
<b>CALL-UPS:</b>					
None.					
March 19, 2013 Preliminary: 3/6 :: Final 3/12	Est. Time	CAO to Prep. Ord?	Power Point	Timing Issues/Comments	Contact
<b>CONSENT:</b>					
<b>PUBLIC HEARINGS:</b>					
Boulder's Energy Future	1.5 hrs		15 min	Related to project work plan	Heather Bailey
Second Reading of Inclusionary Housing Rental Policy Ordinance Revisions	1 hour	Yes	10 min.		Jeff Yegian
Boulder Police Department Master Plan					Laurie Ogden
<b>MATTERS FROM CITY MANAGER:</b>					
None					
<b>MATTERS FROM CITY ATTORNEY:</b>					
None					
<b>MATTERS FROM MAYOR AND MEMBERS:</b>					
<b>CALL-UPS:</b>					



## City Council Goals – 2012

### Top Priorities:

#### **1. Boulder's Energy Future**

The top priority for the City in 2012 is the development of a framework for planning the energy future for the city of Boulder. This framework will focus on the idea of localization, the overarching goal of which is:

**To ensure that Boulder residents, businesses and institutions have access to energy that is increasingly clean, reliable and competitively priced.**

#### **2. Climate Action Plan**

Outline the next generation of climate action efforts in Boulder

Consider extension of CAP tax

#### **3. Affordable Housing**

Receive report of the Task force created in 2010 to evaluate goals and the approach to affordable housing and Based on Council review and discussion of these recommendations, develop an action plan to improve the availability of affordable housing in the city

Consider policies regarding inclusionary housing for rental units

#### **4. Civic Center Master Plan**

Study and develop a master plan for the area between 15th and 9th Streets, with a focus on Farmer's Market and area between Broadway and 15th Street.

**Next Tier Priorities:**

**1. University Hill Revitalization**

Continue work of Ownership Group to develop comprehensive revitalization strategy

Investigate formation of a general improvement district, including the commercial area and part of the residential area to control trash and other problems

Change boundaries of BMS land use to coincide with UHGID through BVCP process

Support private development and investment in Hill area

Partner with CU to consider opportunities for properties in the Hill area

Provide an opportunity to explore big ideas

**2. Homelessness**

Participate in Ten Year Plan to Address Homelessness

Balance long term and short term approaches to address needs

Invest new resources in Housing First model

Work with partners, such as BOHO, to address approaches to immediate needs

**3. Boulder Junction Implementation**

Work with RTD and selected developer of site to maximize mixed use urban center

Invest in planned infrastructure

Achieve goals of plan while ensuring flexibility in working with developers

Prioritize city actions to facilitate private investment

Focus additional planning work on reconsidering use for Pollard site



**City Council  
2012 Work Plan by Council Goal**

**TOP PRIORITIES**

<b>GOAL: Boulder's Energy Future</b>			
<b>2012 – 3rd Quarter</b>	<b>2012 – 4th Quarter</b>	<b>2013 – 1st Quarter</b>	<b>2013 – 2nd Quarter</b>
<ul style="list-style-type: none"> <li>Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables and July 24 study session</li> </ul>	<ul style="list-style-type: none"> <li>Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables and Oct. 23 study session</li> </ul>	<ul style="list-style-type: none"> <li>Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables and study session (TBD)</li> </ul>	<ul style="list-style-type: none"> <li>Boulder's Energy Future – ongoing analysis of municipalization and work on Energy Action Plan with updates to council at roundtables and study session (TBD)</li> </ul>

<b>GOAL: Climate Action Plan</b>			
<b>2012 – 3rd Quarter</b>	<b>2012 – 4th Quarter</b>	<b>2013 – 1st Quarter</b>	<b>2013 – 2nd Quarter</b>
<ul style="list-style-type: none"> <li>Climate Action Framework – draft five-year goals and annual targets; integration with master plans; and development of tracking and reporting tools with updates and council feedback at roundtables and July 24 study session</li> <li>CAP Tax – consideration of ballot language (August)</li> <li>Electric/ Hybrid vehicles (IP)</li> </ul>	<ul style="list-style-type: none"> <li>Climate Action Framework – draft five-year goals and annual targets; integration with master plans; and development of tracking and reporting tools with updates and council feedback at roundtables and Oct. 23 study session</li> <li>CAP Tax – potential voter consideration in November; finalize 2013 work plan based on ballot outcome</li> <li>CEES – stakeholder engagement; Phase 2 options and update at Oct. 23 study session</li> <li>Solar Energy code changes</li> <li>Energy Conservation and Efficiency Program for Existing Commercial Buildings - study</li> </ul>	<ul style="list-style-type: none"> <li>CEES – ongoing work on Phase 2 ordinance options; direction on preferred option from Council (TBD)</li> <li>Climate Action Framework: tracking and reporting tools; launch of 2013 program priorities; updates at roundtables and study session (TBD)</li> </ul>	<ul style="list-style-type: none"> <li>CEES – potential ordinance adoption for Phase 2 (benchmarking and disclosure) (date TBD)</li> <li>Climate Action Framework: tracking and reporting tools; delivery of 2013 program priorities; updates to council at roundtables and study session (date TBD)</li> <li>Electric/ Hybrid vehicles – project closeout</li> </ul>



	session <ul style="list-style-type: none"> <li>▪ Energy Performance Contract – Phase 3</li> <li>▪ Green Building and Green Points Program amendments; 2012 ICC Building, Fire, Wildland-Urban Interface, Energy Codes</li> <li>▪ Wind generation code changes</li> </ul>		
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**GOAL: Affordable Housing**

2012 – 3rd Quarter	2012 – 4th Quarter	2013 – 1st Quarter	2013 – 2nd Quarter
<ul style="list-style-type: none"> <li>▪ Inclusionary Housing: development of off-site criteria</li> <li>▪ Analysis of TOD Fund</li> </ul>	<ul style="list-style-type: none"> <li>▪ Inclusionary Housing: options for integration of affordable housing units</li> <li>▪ Inclusionary Housing: Rental policy options</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mobile Homes Parks – legislative agenda</li> <li>▪ Inclusionary Housing Rental Policy Ordinance depending on Council direction</li> </ul>	<ul style="list-style-type: none"> <li>▪ Inclusionary Housing Regulations Update depending on Council direction</li> </ul>

**GOAL: Civic Center Master Plan**

2012 – 3rd Quarter	2012 – 4th Quarter	2013 – 1st Quarter	2013 – 2nd Quarter
<ul style="list-style-type: none"> <li>▪ Feedback on city space study, flood issues and ideas competition criteria (July 31 study session)</li> <li>▪ Community generates ideals for civic center vision and guiding principles</li> </ul>	<ul style="list-style-type: none"> <li>▪ Council adopts guiding principles</li> <li>▪ Community generates preliminary concepts; ideas competition for local and national teams</li> </ul>	<ul style="list-style-type: none"> <li>▪ Council provides feedback on initial options (January 20)</li> <li>▪ Board and community input</li> <li>▪ Council adopts preferred option(s) and strategies (March)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Draft plan development and community input</li> <li>▪ Council study session on draft plan</li> <li>▪ Municipal Space Study Final Report</li> </ul>



**NEXT TIER PRIORITIES**

**GOAL: University Hill Revitalization**

2012 – 3rd Quarter	2012 – 4th Quarter	2013 – 1st Quarter	2013 – 2nd Quarter
<ul style="list-style-type: none"> <li>▪ University Hill strategy - update</li> <li>▪ Hill Residential Service District (IP)</li> </ul>	<ul style="list-style-type: none"> <li>▪ University Hill strategy - update</li> <li>▪ Hill Residential Service District – check in on final proposal</li> </ul>	<ul style="list-style-type: none"> <li>▪ 2013 action priorities confirmed by Council at January retreat</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hill Residential Service District – 1<sup>st</sup> reading of petition</li> <li>▪ Action on other priorities (TBD)</li> </ul>

**GOAL: Addressing Homelessness**

2012 – 3rd Quarter	2012 – 4th Quarter	2013 – 1st Quarter	2013 – 2nd Quarter
<ul style="list-style-type: none"> <li>▪ 10-year Plan update (IP)</li> <li>▪ Action Plan to address homeless issues (Service provider plan to develop coordinated outreach and case management in Boulder)</li> <li>▪ Housing First – 1175 Lee Hill Road: update on management plan and MOU</li> </ul>	<ul style="list-style-type: none"> <li>▪ Direction from Council priorities on homeless issues (from Homeless issues study session) for scoping for workplan</li> <li>▪ Homelessness Issues Study Session</li> </ul>	<ul style="list-style-type: none"> <li>▪ Work plan check in and priority – Council retreat</li> </ul>	<ul style="list-style-type: none"> <li>▪ Update on Homeless Action Plan (service providers)</li> </ul>

**GOAL: Boulder Junction Implementation**

2012 – 3rd Quarter	2012 – 4th Quarter	2013 – 1st Quarter	2013 – 2nd Quarter
<ul style="list-style-type: none"> <li>▪ Update on TVAP implementation; check-in on city owned site vision and options; and discussion of policy issues related to key public improvements, as needed (July 31 Study Session)</li> <li>▪ TDM/ Parking Access GID budget - consideration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Update on potential policy issues related to key public improvements</li> </ul>	<ul style="list-style-type: none"> <li>▪ TDM District Implementation Update (IP)</li> <li>▪ Update on potential policy issues related to key public improvements and city owned site (as needed)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Update on potential policy issues related to key public improvements and city owned site (as needed)</li> </ul>



**OTHER**

<b>GOAL: Other City Goals and Work Plan Items</b>			
<b>2012 – 3rd Quarter</b>	<b>2012 – 4th Quarter</b>	<b>2013 – 1st Quarter</b>	<b>2013 – 2nd Quarter</b>
<ul style="list-style-type: none"> <li>▪ Acquisition plan update (OSMP)</li> <li>▪ Annexation and site review               <ul style="list-style-type: none"> <li>○ Boulder Jewish Commons (Arapahoe and Cherryvale)</li> <li>○ Hogan Pancost</li> </ul> </li> <li>▪ Barker Reservoir Boating</li> <li>▪ Capital Investment Strategy Round I - implementation update</li> <li>▪ Chautauqua Stewardship Framework: draft principles for CCA lease</li> <li>▪ Civic Use Task Force               <ul style="list-style-type: none"> <li>○ Update on recommendations and next steps</li> </ul> </li> <li>▪ City Property leases (IP)</li> <li>▪ Code changes               <ul style="list-style-type: none"> <li>○ Alcohol/ Land Use</li> <li>○ Congregate care</li> <li>○ Community gardens</li> </ul> </li> <li>▪ CU East Campus coordination – update</li> <li>▪ Disposable Bag Reduction ordinance</li> <li>▪ Economic Sustainability Strategy – phase one study on primary employers (study session)</li> <li>▪ Education Excise Tax – process for allocation of remaining funds</li> <li>▪ Evolution of Access and Parking Management Strategies (DUHMD/PS)               <ul style="list-style-type: none"> <li>○ IP</li> <li>○ Formation of staff and community work groups</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Bike parking ordinance updates</li> <li>▪ Capital Investment Strategy Round I - implementation update</li> <li>▪ Carter Lake Pipeline – CEAP</li> <li>▪ Chautauqua Parking Data Collection and Assessment – check in</li> <li>▪ Code changes               <ul style="list-style-type: none"> <li>○ Pearl Street Mall - permits and leases</li> </ul> </li> <li>▪ Disposable Bag ordinance</li> <li>▪ Education Excise Tax – process for allocation of remaining funds</li> <li>▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities</li> <li>▪ NPP commuter permit - sunset</li> <li>▪ OSMP natural resources – overarching policy issues</li> <li>▪ Pearl Parkway Multi-use Path 30<sup>th</sup> Street to Foothills CEAP Call up</li> <li>▪ Public works design and construction standards - update</li> <li>▪ Randolph Center Condominium Declaration</li> <li>▪ Smoking Ban on Pearl Street Mall (Pilot) – ordinance</li> <li>▪ Sustainability indicators</li> <li>▪ Sustainable streets and centers: typology framework and</li> </ul>	<ul style="list-style-type: none"> <li>▪ 28<sup>th</sup> Street Multi-use Path and Bikeable Shoulders Iris to Yarmouth CEAP Call up</li> <li>▪ Capital Investment Strategy Round I – implementation update</li> <li>▪ Contractor licensing</li> <li>▪ Cultural Master Plan</li> <li>▪ DUHMD/ PS assessment update (IP)</li> <li>▪ Economic Sustainable Strategy – policy recommendations (study session)</li> <li>▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities</li> <li>▪ Smoking Ban on Pearl Street Mall (Pilot) – implementation</li> <li>▪ State of the Court Presentation</li> <li>▪ Take out container waste reduction ordinance</li> <li>▪ Transportation Funding (SS)</li> <li>▪ TMP Update – additional direction</li> <li>▪ US36 Bikeway Maintenance – Enhancements IGA (tentative based on if extra community investments are desired)</li> <li>▪ Zero Waste Master Plan Update</li> </ul>	<ul style="list-style-type: none"> <li>▪ Baseline Underpass East of Broadway CEAP – Call up</li> <li>▪ Floodplain Management including Boulder Creek Mapping, South Boulder Creek Mitigation, and Critical Facilities</li> <li>▪ OSMP natural resources – overarching policy issues               <ul style="list-style-type: none"> <li>○ Temporal Regulations</li> <li>○ Penalties for violations</li> <li>○ Multi-modal access and parking opportunities</li> <li>○ Analysis of trail network and distribution of activities</li> </ul> </li> <li>▪ Parks and Recreation Master Plan</li> <li>▪ Police Department Master Plan</li> <li>▪ Smoking Ban on Pearl Street Mall (Pilot) – analysis and recommendation</li> <li>▪ TMP Update – additional direction</li> <li>▪ Water supply status</li> </ul>



<ul style="list-style-type: none"> <li>○ Disseminate RFQ's for Project Consultant</li> <li>▪ Highway 93 over/underpass IGA</li> <li>▪ IBM Connector Trail IGA</li> <li>▪ Mall Events update (IP)</li> <li>▪ Municipal Building Improvements (update)</li> <li>▪ OSMP trail around city (IP)</li> <li>▪ Smoking Ban on Pearl Street Mall (Pilot) – public process</li> <li>▪ Stormwater Ordinance Update</li> <li>▪ Stormwater Management IGA – Keep it Clean Partnership</li> <li>▪ Transportation Funding (IP)</li> <li>▪ TMP update – assessment, check in/ refinement policy focus areas</li> <li>▪ US36 Bikeway Maintenance IGA</li> <li>▪ Valmont Butte Site Management and Remediation (IP)</li> <li>▪ Water supply status</li> </ul>	<p>direction on next steps</p> <ul style="list-style-type: none"> <li>▪ Takeout container waste reduction – policy direction</li> <li>▪ Transportation Funding (direction)</li> <li>▪ Urban wildlife – prairie dog policy and ordinance revisions</li> <li>▪ Valmont Butte Site</li> <li>▪ Zero Waste Master Plan Update Management and Remediation (IP)</li> </ul>		
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**KEY**

BMEA	Boulder Municipal Employees Association
BVCP	Boulder Valley Comprehensive Plan
CAGID	Central Area General Improvement District
CEAP	Community and Environmental Assessment Process
CAP	Climate Action Plan
CU	University of Colorado
DUHMD/PS	Downtown and University Hill Management District/ Parking Services (City Division)
GID	General Improvement District
ICC	International Code Council
IGA	Intergovernmental Agreement
IP	Information Packet
MOU	Memorandum of Understanding
NPP	Neighborhood Parking Permit Program
OSMP	Open Space/Mountain Parks Department
RFQ	Request for Qualifications
RH	Residential Housing
TDM	Transportation Demand Management
TMP	Transportation Master Plan





**CITY COUNCIL  
ACCOMPLISHMENTS – 1<sup>ST</sup> AND 2<sup>ND</sup> QUARTER 2012**

**TOP PRIORITIES:**

**GOAL: BOULDER’S ENERGY FUTURE**

**FIRST AND SECOND QUARTER  
2012 ACCOMPLISHMENTS**

- Hiring of Executive Director for Energy Strategy and Electric Utility Development
- Retention of FERC and acquisition legal counsel
- Initial work in developing appraisal of distribution system and preparing legal strategy
- Initial work on Phase 1 of a new Energy Action Plan, including demand side programs and renewables modeling
- Active participation at the PUC to advance Boulder’s energy goals and protect community interests
- Boulder Canyon Hydroelectric Facility Agreement: City Council authorized the dedication of easements to Public Service Company of Colorado to facilitate upgrades to the city’s Boulder Canyon Hydroelectric Facility.

**GOAL: CLIMATE ACTION PLAN**

**FIRST AND SECOND QUARTER  
2012 ACCOMPLISHMENTS**

- Third party review and evaluation of CAP tax funded programs to date
- Preparation of November 2012 CAP tax ballot options for Council consideration
- Initial steps to develop and refine a new Climate Action Framework consisting a renewed climate action commitment, five-year goals, annual targets, integration with appropriate master plans and city operations, and new reporting tools
- Initial work to identify priorities for the next generation of energy efficiency programs (as part of Phase 1 of the Energy Action Plan)
- Development of Commercial Energy Efficiency Strategy approach and stakeholder process (to be integrated as part of Phase 1 of the Energy Action Plan)
- Continued delivery of CAP programs and services to achieve annual targets (EnergySmart, Ten for Change, SmartRegs compliance, etc.)
- Energy Efficiency Upgrades in City Facilities - (a) Energy Performance Contract (EPC) – Phase III; (b) Lease purchase financing for energy conservation measures; and (c) Energy improvements, lease amendments, and payments. - Implemented the third phase of Energy Performance Contracts (EPC) for city facilities, including the installation of another 347 kilowatts of solar photovoltaic



at the Municipal Service Center buildings, Fleet Services, OSMP Annex and The Dairy Center for the Arts.

- Energy Efficiency Upgrades in City Facilities – Employee Education and Outreach Project (Information Packet) - A staff team participated in three workshops with McKinstry, the city’s Energy Performance Contractor, to help develop a new PowerED energy education and outreach program for employees. Program development will continue with other city staff focus groups through the end of December 2012.

## **GOAL: AFFORDABLE HOUSING**

### **FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS**

- Added 12 new permanently affordable homes to inventory
- Affordable housing agreement for Gunbarrel Town Center
- Affordable Housing Program Work plan - Council Consideration and Direction; new initiatives identified
- Analysis completed of affordable housing distribution
- Completed funding of major renovations to improve housing quality and economic sustainability of three BHP properties
- Development of voluntary affordable housing agreement for Depot Square project
- Inclusionary Housing Rental Policies – Council Consideration and Direction
- Thistle Community Housing completing fire sprinklers in all of its properties

## **GOAL: CIVIC CENTER MASTER PLAN**

### **FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS**

- Development of interdepartmental project team and approach; project goals and objectives; and public engagement strategy (reviewed at joint Planning Board / City Council study session in April)
- Detailed design of community visioning process and articulation of key project assumptions (reviewed with Council at June 12 study session)
- Preparation of baseline materials and launch of public engagement in July.
- The Municipal Space Study contract was awarded to StudioTerra on March 23. FAM and the consultants are interviewing city departments and conducting research on industry trends and standards for office space. Preliminary results of the space study, as it relates to the Civic Center Master Plan, will be presented at the July 31 study session.



### **NEXT TIER PRIORITIES:**

#### **GOAL: UNIVERSITY HILL REVITALIZATION**

##### **FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS**

- Zoning change: Business Main Street (BMS) boundary to coincide with the University Hill General Improvement District boundary; rezoning of UHGID lots to BMS zoning (approved by Planning Board; scheduled for Council consideration in August)
- Continued work of the Hill Ownership Group to develop a comprehensive revitalization strategy.
- In coordination with a volunteer, stakeholder committee completed a proposal for a Residential Service District which includes: boundaries, scope of services, proposed budget, proposed governance structure, agreements for financial participation by tax-exempt sororities and fraternities, and a timeline for a 2013 Petition and Election process.
- Landmarking of Flatirons Theater building (and associated building renovation)
- 955 Broadway (Acacia Fraternity site redevelopment)

#### **GOAL: ADDRESSING HOMELESSNESS**

##### **FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS**

- Council Consideration and Direction on: 1175 Lee Hill Project; added 31 permanent housing units for chronically homeless, disabled adults
- Continued Homeless Service Provider Coordination Project to develop action plans for case management, outreach and service coordination
- Continued implementation of Ten year Plan to Address Homelessness

#### **GOAL: BOULDER JUNCTION IMPLEMENTATION**

##### **FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS**

- Developed and implemented a funding strategy to finance the acquisition of 100 parking spaces by the Boulder Junction Access District – Parking (BJAD-P) in the Depot Square parking garage including a Lease/Purchase Agreement between BJAD-P and the developer, and a City of Boulder/BJAD-P Cooperation Agreement
- Developed a strategy to manage parking in the parking structure through technology and a management agreement among the



users. The arrangement provides for parking spaces to be paid, unbundled, and shared in a manner to meet the needs of the various users of Depot Square (hotel, residential, RTD) and general parking in BJAD-P spaces. Agreement was reached with RTD regarding short term and long term parking management strategies given their current legislative mandate.

- Finalized the ownership structure for five different owners to coordinate management of their units and common areas through a Condominium Declaration for the Depot Square project
- Finalized a renovation agreement and lease consistent with guiding principles with Pedersen Development Corporation for the Depot
- Finalized legal agreements for joint public/private development of Depot Square (RTD facility, shared parking, affordable housing, hotel, public space and rehabilitation of historic depot
- Approved changes to the Transportation Network Plan in support of the Transit Village Area Plan (TVAP)
- Revised Street Design for Pearl Parkway and Connections Plan Revisions (adopted by Council January 17)
- Consistent with the TVAP connections plan and along with private redevelopment, a number of capital improvements are underway, including the installation of underground power lines, preparations for installing a traffic signal at Junction Place and Pearl Parkway, and portions of the Pearl Parkway multi-way boulevard
- Consistent with the TVAP connections plan, design work continues for the bridge over Goose Creek and the multi-use path on the north side of Pearl Parkway between 30<sup>th</sup> Street and Foothills Parkway
- Received a Federal Hazard Elimination Program grant award through the Colorado Department of Transportation (CDOT) that will allow installation of a traffic signal at 29<sup>th</sup> Street and Valmont Road, improving safety and implementing improvements identified in the Transit Village Area Plan (TVAP) (project will begin in 2014)
- Completion of engineering and building construction plan review for a 319 unit residential development at 3100 Pearl and the RTD Depot Square transit-oriented development



## **GOAL: OTHER CITY GOALS AND WORK PLAN ITEMS**

### **FIRST AND SECOND QUARTER 2012 ACCOMPLISHMENTS**

#### ***CAPITAL ITEMS***

- Anemone Trails (new) – design work completed
- Arapahoe Avenue (Folsom to 30th) - Multimodal Improvements Project Completed construction on the Arapahoe Avenue multi-use path project. The remaining street resurfacing and landscaping work will be completed in 2012.
- Boulder Creek and South Boulder Creek – restoration of grassland and riparian areas continued
- Broadway (Euclid to 18th) - Transportation Improvements Project - Made progress on the Broadway (Euclid to 18th) Transportation Improvements Project. 16<sup>th</sup> Street opened the first week of May and the Broadway underpass and the four lanes on Broadway (two in each direction) are scheduled for completion by early July.
- Broke ground in January for a new multi-use path on the south side of Baseline, connecting U.S. 36 and the Bear Creek Underpass, including a pedestrian crossing for Baseline Road at Canyon Creek. Completion of the multi-use path on the west end is underway through a redevelopment project.
- Completed a new sidewalk along Gillaspie Drive, connecting Greenbriar Boulevard and Juilliard Street connecting to Fairview High School
- Completed the course bunker renovation/playability project at Flatirons Golf Course by installing 19 new sand bunkers
- Continued work at Valmont City Park, including additional construction at Valmont Bike Park; outreach and design for Valmont Dog Park; and design and construction of the interim disc golf course
- Facility ADA Compliance - An Americans with Disabilities Act (ADA) consultant completed comprehensive ADA assessments for the Park Central and Municipal buildings. Costs for the recommendations are being identified and prioritized, with other buildings planned for assessment.
- Green Bear Trail Re-route – work in progress with one section completed and opened to public
- Gregory Canyon Trailhead Site Plan – initial site plan design work began
- Homestead Trail Re-route – work in progress with one section completed and opened to public
- Library Facility Upgrades and Enhancements (New Children’s Library and New Teen Space): The selection of a design firm is underway
- Linden Avenue Sidewalk Project (Safe Routes to School) - Completed a Safe Routes to School Project, providing a sidewalk on the north side of Linden Avenue between Fourth Street and Broadway.
- New Wildland Fire Facilities - Responses to the request for qualifications (RFQ) for facility designs were received on May 11. Requests for proposals (RFP) to be sent in early June
- Organic farming – agricultural contract written for 47 acres



- Replaced traffic signal incandescent lamps with sustainable, energy-saving light-emitting diode (LED) lamps
- Sanitas Stone Hut Repair – hut was reinforced and stonework repaired
- South Boulder Creek West Trailhead – Parking areas for cars and horse trailers completed and open to public; working through permit process for outhouse and kiosk installations; interpretive signs in production
- South Boulder Recreation Center - The contaminated sub floors from the gymnasium, racquetball court, and Pilates room have been removed and are expected to be replaced with new wood floors by early June 2012.
- Street repair expanded efforts – began the first of three years

### ***OTHER SIGNIFICANT ACTIONS<sup>1</sup>***

- Boulder B-cycle station at the North Boulder Recreation Center sponsored
- Boulder Community Hospital Expansion Rezoning
- BVCP: Area II study results and potential next steps (IP to City Council in July)
- BVCP Comprehensive Rezoning (scheduled for council consideration in August)
- BVCP 2010 Major Update: planning reserve policy changes (study session discussion with Council on May 29; Council and County Commissioner dinner discussion on June 14)
- Boulder Reservoir Master Plan completed
- Boulder Valley School District Faculty and Staff Eco Pass Program Expansion - Continued partnership with the Boulder Valley School District (BVSD) to expand the BVSD faculty and staff Eco Pass program.
- Chautauqua Stewardship Framework: Draft and Next Steps
- City Website Redesign Kickoff - Kicked off redesign with Vision Internet and the City of Arvada. Gathered a list of key stakeholders and surveyed them regarding elements the new website should contain.
- Code enforcement - reallocation of resources to the Boulder Police Department was fully implemented to ensure efficient and effective service delivery
- Community and Environmental Assessment Process (CEAP) for flood mitigation and transportation improvements along Fourmile Canyon Creek, near Crest View Elementary School completed, including a City Council call-up opportunity.
- Compatible Development implementation - annual report to Council
- Congregate Care code changes (pending further consideration based on Council direction)
- Constituent Relationship Management (CRM) procurement effort - Designed and implemented a staff engagement and procurement initiative to implement a new CRM application resulting in the unanimous selection of Government Outreach. Vendor contract negotiations are currently underway. This initiative is designed to significantly improve our customers' ability to request, track and ultimately receive more timely and effective services while providing staff with automated tools to better



manage these requests.

- Disposable Bag Reduction Ordinance: research and options presented to Council on May 15; work on nexus study underway
- Draft Fire-Rescue Master Plan completed and approved by Planning Board.
- Economic Sustainability Strategy: phase one study of primary employer space needs underway; presentation of results to Council scheduled for August
- Elks neighborhood park planning, outreach and design continued with construction and completion in 2013
- Family Resource Center opened at Manhattan Middle School in partnership with Boulder County Housing and Human Services
- FasTracks' Northwest Rail Plan - Approved guiding principles for developing and designing a hybrid approach to FasTracks' Northwest Rail Plan.
- Fire Master Plan – Council feedback on strategies (April 3, 2012); Planning Board recommendation for acceptance (May 17, 2012); Scheduled for Council consideration (June 19, 2012)
- Heather wood Trail Intergovernmental Agreement (IGA) - City Council authorized the signing of an intergovernmental agreement (IGA) with Boulder County related to the maintenance of a trail that crosses the Wastewater Treatment Facility property.
- Integrated Pest Management Policy Revision and Program Direction (Council provided direction on May 1)
- Landmarking of First Christian Church building (950 28<sup>th</sup> Street)
- Locomotive #30 narrow gauge historic cosmetic restoration completed
- Mesa Memorial Park design and development initiated
- Mosquito control annual report (Completed report on the IPM web site – link will be provided to council with first weekly mosquito report in June)
- Named number 3 on list of best cities for bicycling by *Bicycling Magazine*, in part due to the Valmont Bike Park and new path connections made possible by the capital improvement bond
- New Transportation Safety Ordinances - Approved ordinance changes to improve transportation safety in the city and initiated education and enforcement efforts to support the ordinance changes
- Organic turf and landscape bed program at six park locations launched
- Received a Safe Routes to School Grant to install a traffic signal at South Boulder Road and Manhattan Drive to create a safe crossing for middle school students taking transit, riding, or walking to and from school.
- RH-2 Zone District Changes (scheduled for council consideration in August)
- *Safe Streets Boulder* report published in February.
- SmartRegs - Continued the successful implementation of SmartRegs and the pilot program for rental housing licensing enforcement. The backlog of rental license compliance cases is almost entirely eliminated.
- Transportation Report on Progress, *Transportation to Sustain a Community* published in February.
- Valmont Butte – VCUP implementation commenced; excavation work began on April 4 with both the tribe-designated native cultural monitor and the city's archaeologist consultant present.



▪ Veterans and active duty military personnel recreation pass program developed

**Key:**

ADA = Americans with Disabilities Act
BHP = Boulder Housing Partners
BVSD = Boulder Valley School District
BMS = Business Main Street
CAP = Climate Action Plan
CDOT = Colorado Department of Transportation
EPC = Energy Performance Contract
EET = Education Excise Tax
FAM = Facilities and Asset Management (City Division)
FERC = Federal Energy Regulatory Commission
IGA = Inter-governmental Agreement
IP = Information Packet
OSMP = Open Space/ Mountain Parks Department
PUC = Colorado Public Utilities Commission
RFP = Request for Proposals
RFQ = Request for Qualifications
RTD = Regional Transportation District
TVAP = Transit Village Area Plan
UHGID = University Hill General Improvement District
VCUP = Colorado Voluntary Cleanup Program