

**BOULDER CITY COUNCIL MEETING
COUNCIL CHAMBERS, 1777 Broadway
Tuesday, May 6, 2014
6 p.m.**

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
 - A. **Declaration: National Kids to Parks Day, May 17, 2014**
 - B. **Parks and Recreation Celebrates 30 Years of Excellence in Gymnastics Programming**
 - C. **Recognition of Fairview High School Science Bowl Team**
 - D. **Briefing on Flood Recovery Status**
2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (limited to 45 min.) Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place; any remaining speakers will be allowed to address council. All speakers are limited to three minutes.
3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. (Roll call vote required)
 - A. Consideration of a **motion to approve the City Council Meeting Minutes from March 18, 2014**
 - B. Consideration of a **motion to approve the City Council Meeting Minutes from April 1, 2014**
 - C. Consideration of a **motion to approve the City Council Meeting Minutes from April 16, 2014**
 - D. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance approving supplemental appropriations** to the 2014 Budget
 - E. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance amending Chapter 5-3, "Offenses Against the Person," B.R.C. 1981, by adding a new Section 5-3-15 "Solicitation Limited," prohibiting solicitation at designated places** and setting forth related details
 - F. Consideration of a **motion to adopt Ordinance No. 7967 amending Sections 4-20-60, "Voice and Sight Control Evidence Tag Fees," 6-13-2, "Voice and Sight Control**

Evidence Tag Required,” and 6-13-4, **“Voice and Sight Control Evidence Tag Requirements;”** repealing Section 6-13-5, **“Revocation And Reinstatement of Voice and Sight Control Evidence Tags upon Violations,”** and replacing it with a new Section 6-13-5, **“Terms of Voice And Sight Control Evidence Tag,”** B.R.C. 1981; amending Section 6-1-16, **“Dogs Running at Large Prohibited,”** Section 6-1-20, **“Aggressive Dogs Prohibited,”** and Section 8-3-5, **“Wildlife Protection,”** B.R.C. 1981, and setting forth related details

G. Consideration of a **motion to approve the purchase of 44 acres of land, the mineral estate and 44 shares of Left Hand Water located at 7204 N. 45th Street from the Berman Brothers for \$1,375,000** for Open Space and Mountain Parks purposes

H. Consideration of a motion authorizing the city manager to enter into a **settlement agreement regarding a property located at 3069 Broadway**

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

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

ORDER OF BUSINESS

5. **PUBLIC HEARINGS**

A. Continuation of second reading and consideration of a **motion to adopt Ordinance No. 7968 amending Chapter 13-2, “Campaign Financing Disclosure,”** B.R.C. 1981 **including modifying the financial reporting requirements, adding additional reporting requirements for City Council members,** and setting forth reporting periods and setting forth related details

The public hearing on this item was closed on April 16, 2014.

B. Second reading and consideration of a **motion to adopt Ordinance No. 7969 amending Title 11, “Utilities and Airport,”** B.R.C. 1981, **by the addition of a new Chapter 7, “Light and Power Utility,”** amending Chapter 2-3, **“Boards and Commissions,”** B.R.C. 1981, **by the addition of a new section related to the creation of an electric utility board** and setting forth related details

C. Introduction, **first reading** and consideration of a motion to order published by title only and adopt **emergency Ordinance No. 7974 amending Section 5-3-6 “Use of Fighting Words”** B.R.C. 1981, **to require an intent to harass, annoy or alarm** and setting forth related details

6. **MATTERS FROM THE CITY MANAGER**

A. Update on **donated flood relief funds from Sister City of Yamagata, Japan**

7. **MATTERS FROM THE CITY ATTORNEY**

None

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

A. Potential Call-Ups

1. **Vacation of a 500 square foot portion of a ten-foot utility easement running along the south property line at 3584 Kirkwood Place (ADR2014-00047)**

Information Packet Date: May 6 Last opportunity for call-up: May 6

B. **Board and Commission Appointments**

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

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

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

12. **ADJOURNMENT**

This agenda and the meetings can be viewed at www.bouldercolorado.gov / City Council. Meetings are aired live on Municipal Channel 8 and the city's Web site and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting. DVDs may be checked out from the Main Boulder Public Library. Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk's Office at (303) 441-3002, 8 a.m. – 5 p.m. Monday through Friday. **48 hours notification prior to the meeting or preparation of special materials IS REQUIRED.** If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three days prior to the meeting. *Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 días antes de la junta.* Electronic presentations to the city council must be pre-loaded by staff at the time of sign up and will NOT be accepted after 3:30 p.m. at regularly scheduled meetings. Electronic media must come on a prepared USB jump (flash/thumb) drive and no technical support is provided by staff.

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CITY COUNCIL BRIEFING
City Council Chambers
May 6, 2014
6:00 – 7:00 p.m.

To: Members of City Council

From: Jane S. Brautigam, City Manager
Maureen Rait, Executive Director of Public Works, Flood Recovery Manager

Subject: Briefing on Flood Recovery Status

September 2013 brought unprecedented rainfall to the region causing significant flooding and extensive damage to both private property and city infrastructure. While critical city services have been restored, full recovery is likely to take years. To support near-term recovery and long-term resilience, council adopted five key objectives in October 2013, which include:

1. Help people get assistance.
2. Restore and enhance our infrastructure.
3. Assist business recovery.
4. Pursue and focus resources to support recovery efforts.
5. Learn together and plan for the future.

City staff, consultants and community partners continue to work diligently to make progress in achieving the council-adopted objectives.

This City Council briefing provides an update on recovery status in relation to the key objectives. Each objective is explained in the following pages along with a high-level summary of progress. More detailed information can be found at the city's comprehensive resource for all flood-related information: www.BoulderFloodInfo.net. City department directors and staff supporting flood recovery efforts will also be available to address questions at the May 6 briefing.

In addition to the Boulder Flood Info website, the city has established a central point of contact for all flood-related questions through Inquire Boulder and phone. The city's virtual helpdesk, [Inquire Boulder](#), enables users to request [Flood Information](#) and services related to [Flood Cleanup – Creek & Culvert Debris](#). The city also has a dedicated phone line at 303-441-1856 to provide a central point of contact for flood questions. Please note that Inquire Boulder and the

phone line should be used for informational purposes and are not intended for emergency requests.

To continue to support the flood recovery efforts, the city created a high-level team that meets on a regular basis to address recovery activities (see attached diagram). The Flood Recovery Steering Committee includes executive team members and department directors from the most highly impacted departments. In addition, the city is hiring three new fixed-term positions to support three main areas of the flood recovery efforts: Community Services, Finance and Infrastructure/Operations. City and County coordination efforts continue in preparation for spring run-off and summer storms.

City Council briefings and updates are expected to be provided bimonthly and on an as needed basis throughout 2014. The next briefing is scheduled for July 22, 2014. In September 2014, the city and Long-Term Flood Recovery Group of Boulder County are planning a series of events and shared learning opportunities the week of the 1-year anniversary of the floods. This work will dovetail with the city's resilience planning effort through the Rockefeller Foundation's 100 Resilient Cities Initiative.

FLOOD SAFETY

BOULDER, CO

OBJECTIVE #1: HELP PEOPLE GET ASSISTANCE



Facilitate access to individual assistance for affected homeowners, renters and businesses to support their recovery from flood impacts and strengthen long-term resilience.

The city continues to help residents in need of assistance as they recover from the flood. At this time, approximately 50 housing units remain vacant and/or uninhabitable as a result of the flood, with concentrations in the areas of Palo Parkway & 28th St, and Baseline Rd. and Manhattan Dr.

The city and the Long-Term Flood Recovery Group of Boulder County are coordinating and cross-training to connect residents with resources and case management services, and provide streamlined access to city resources. Approximately 200 of the 700 countywide residents requesting services have been assigned to a case manager. The Long Term Flood Recovery Group will be working with Catholic Charities to hire additional case managers shortly, with funding through the State of Colorado.

The Planning & Development Services Center continues to see 20-30 customers per week with flood-related questions and those seeking permits for repairs due to flood damage or mitigation measures.

City staff is receiving approximately six flood-related Inquire Boulder service submittals per week, and a dozen phone calls daily to the Flood Information Line. Anecdotally, residents have appreciated the enhanced and centralized flood information resources.

The city is actively participating and coordinating with state and countywide efforts including case management, business assistance, resilience and capacity building, housing, and Community Development Block Grant – Disaster Relief funding.

The city mailed annexation letters to 160 properties in the middle of April, to assist people who need to connect to city utilities following the flood. We have been contacted by several dozen property owners with various questions and interest to date. The properties who received the letters are grouped into two categories: individuals and neighborhoods. For individual properties the owner can request a cost estimate from the city by May 16 to help determine whether to proceed. Those that wish to proceed will provide earnest money to the city to begin survey and annexation map preparation, and begin compiling annexation agreement documents.

The neighborhoods where infrastructure installation is required (Old Tale Rd and Githens Acres) have been sent an interest survey to respond to, with a response date of May 16. If the level of interest is high enough, the city will continue to work with the neighborhoods in the annexation process. The city, in partnership with Boulder County, is seeking Community Development Block Grant – Disaster Relief (CDBG-DR) grant funding to assist homeowners in paying for utility connection costs.

Community Development Block Grant-Disaster Relief (CDBG-DR) funding coordination is continuing countywide and statewide notices of intent are due mid-to-late May for the first round of money allocated to the state last fall totaling \$63 Million. The city intends to apply for the following:

- Infrastructure: Applying for Federal Emergency Management Agency (FEMA) Match for creek sediment and debris removal (\$500k-\$1M), and Infrastructure for Area II properties in partnership with Boulder County (\$1M). The priority areas for funding are being identified based on the survey results described above).
- Housing: Applying with Boulder County for \$2M in housing rehabilitation funds, \$1M for water/sewer connection costs, and \$1M for temporary rental assistance.

The city is tracking the second round of funding (\$199 Million for Colorado), and is waiting for HUD to issue the official notice on funding procedures and timing.

MILESTONES:

- Held two community preparedness and flood recovery open houses attended by a total of approximately 150 people. Included 6 topic areas and a presentation by Boulder Office of Emergency Management and city staff. Presentation was televised live and recorded, and can be viewed online here: <http://vimeo.com/92368226>
- Completed door to door flood safety information canvassing to approximately 2,000 households. This effort was featured on Inside Boulder News and can be seen here: <http://vimeo.com/92288744>
- Produced and distributed 1,000 copies of a community guide to flood safety, publishing weekly flood safety tips to the community. Copies are available for download here: <https://bouldercolorado.gov/water/community-guide-to-flood-safety>
- The Long-Term Flood Recovery Group of Boulder County case management supervisor for City of Boulder residents began, and coordination with city on cases is underway. <http://bocofloodrecovery.org/get-help/>
- Consolidated contact points for residents and businesses with a new single Flood Information and Customer Service suite:
 - Flood Information Line: 303-441-1856
 - Email address: boulderfloodinfo@bouldercolorado.gov
 - Inquire Boulder Topics (Flood Information and Flood Cleanup - Creek & Culvert Debris).

Header photos taken at the March 31, 2014 Flood Preparedness + Recovery open house.

FLOOD SAFETY

BOULDER, CO

OBJECTIVE #2: RESTORE & ENHANCE OUR INFRASTRUCTURE



Invest in projects to restore services and to rebuild and enhance infrastructure, as appropriate, in the interests of public health and safety, community quality of life, and long-term resilience.

The 2013 September Flood caused significant damage to city infrastructure including more than 50 city buildings/facilities; water, sewer, and stormwater infrastructure and treatment facilities; 47 parks and 7 recreation facilities; sediment and debris in all 15 drainages; more than 30 streets and sidewalks; 25 damaged areas of the multi-use path system; and hundreds of Open Space and Mountain Parks trails, trailheads, irrigation facilities, fences, and ecological restoration projects. A detailed description of flood impacts to people, private property and infrastructure citywide was provided in the Dec. 3, 2013 City Council memo (bouldercolorado.gov/links/fetch/19109). For more detailed maps of flooding and impacts in Boulder, visit www.BoulderFloodInfo.net.

The city continues to pursue a variety of available resources in the recovery and reimbursement process including insurance, FEMA assistance, and other federal agencies (e.g., Federal Highway Administration, Urban Drainage & Flood Control District, Colorado Water Conservation Board, etc.), as further described in Objective #4.

FLOOD RECOVERY PROJECT STATUS

The city has approximately 300 projects across the community that include repairs, restoration, replacement and mitigation work.

Below is a summary of the total projects by Department/ Division. Projects are considered partially complete if work has been started, temporary repairs have been made or mitigation work has yet to be completed. As of April 2014, the city has completed 56 percent of the flood-related projects.

	Total Flood Related Projects	Percent Complete
Citywide Total	335	56%
Department/Division		
PW - Transportation	32	50%
PW - Utilities	71	54%
PW - FAM/Fleet	34	59%
OSMP	153	51%
Parks & Recreation	45	76%

Department-specific details are provided below.

OPEN SPACE AND MOUNTAIN PARKS (OSMP)

OSMP continues to recover from the extensive damage caused by the September 2013 rainfall and floods in areas such as trails, trailheads, habitat restoration projects, drainages, irrigation infrastructure, agricultural fences, etc. The majority of OSMP trails have been opened to visitors. However flood damages still need to be addressed even on these opened trails. OSMP identified over 80 trail repair projects to restore these trails—several of which have been completed. Still, 1.7 miles of city open space trails remain closed due to flood damage. This is just over 1 percent of the 145 miles of OSMP trails. Projects are in varying stages of planning, design and implementation to restore public access on the Saddle Rock, Royal Arch, South Boulder Creek and Boulder Falls trails.

Almost all irrigation ditches are ready to distribute water this spring. Repairing agricultural fences continues to be a priority in an effort to enable tenants to graze pasture-land as planned. To this point, more than ten miles of fence has been repaired and/or had debris removed. Ecological staff has assisted in getting debris and sediment cleared in drainages throughout the system. A summary of OSMP flood-related projects is shown in the table below.

PROJECT STATUS	NUMBER OF PROJECTS
Completed	78
Partially Completed	22
Planning/Design	53
TOTAL	153

OSMP will continue its focus on flood recovery projects over the next 2-3 years. Projects planned for 2014 include:

- Repair Green Ditch to enable OSMP and other agricultural lands to be irrigated and enhance riparian habitat in the immediate area.
- Repair breached creek banks and restore ecological function at the confluence of Boulder and South Boulder creeks.
- Repair and improved drainage at Bluebell Road along the eastern edge of Chautauqua Meadow.

- Construction of temporary repairs to upper Saddle Rock Trail.
- Reroute the access trail to Green Mountain Lodge from Flagstaff Drive.
- Repair of the Gregory Canyon Trailhead in cooperation with Boulder County.

PARKS AND RECREATION

Approximately 34 percent, or 35 of the 98 parks and recreation facilities were significantly damaged by the flood. Recovery work includes repair, restoration and/or replacement of facilities, structures, playgrounds, multi-use fields and courts, and paths.

PROJECT STATUS	NUMBER OF PROJECTS
Completed	34
Partially Completed	5
Planning/Design	6
TOTAL	45

Parks and Recreation staff continues to implement flood recovery and restoration projects across the community with approximately 75 percent of the projects complete. The department had 45 distinct projects due to flood damage and have currently completed 34 with five partially completed. The six remaining projects that are currently in planning and design with FEMA coordination include:

- Eben G. Fine Park – restoration and stabilization of south hillside due to erosion from floodwaters.
- Knollwood Tennis Courts – courts were damaged and need complete replacement in addition to replacement of walls and landscape restoration.
- Evert Pierson Memorial Kids Fishing Ponds – full restoration of ponds and associated park amenities.
- Maxwell Lake Park – emergency pumping was needed during the flood to ensure the lake didn’t over top and flood downstream properties. Evaluating whether to construct an outfall structure.
- Bear Creek Park – replacement of pedestrian bridge connecting to Bear Creek Elementary School.
- Flatirons Golf Course and Event Center – replacement of cart path bridge and determination of event center approach.

The department anticipates that all projects will be complete within the next 9 to 12 months.

UTILITIES

Although the water utility infrastructure performed admirably and sustained minimal damages, the sanitary sewer, storm water and major drainageway systems were overwhelmed by floodwaters and runoff, groundwater infiltration and inflow to the city’s open channel and pipe conveyance systems. Initial flood response work included the protection of critical sanitary sewers as well as vulnerable water delivery pipelines and access roads to critical water infrastructure. Recovery work includes:

- Inspecting and cleaning 25 percent of the approximate 400 miles of pipe in the sanitary sewer system.
- Inspecting and cleaning 100 percent of the approximate 160 miles of pipe in the storm sewer system.
- Reconstruction of improved drainageway features, which requires the removal of significant amounts of sediment and debris.

PROJECT STATUS	NUMBER OF UTILITY PROJECTS			
	WATER	WASTEWATER	STORMWATER/FLOOD MANAGEMENT	TOTAL
Completed	15	11	12	38
Partially Completed	1	3	11	15
Planning/Design	4	1	13	18
TOTAL	20	15	36	71

Utilities staff continue to implement flood recovery and restoration projects for the water, wastewater and stormwater/flood management utilities. Approximately 50 percent of the recovery work is complete. Work on all critical water and wastewater infrastructure is complete. Sediment and debris removal from major drainageways is more than 80 percent complete. Repair of drainageway features such as drop structures and retaining walls is less than 20 percent complete but should be completed by the end of the summer (this work will be suspended during spring runoff due to increased flows). Sediment and debris removal from storm sewers is less than 20 percent complete and will likely not be completed until early next year.

TRANSPORTATION

Due to the flood, approximately one percent or three miles of roadways were damaged citywide. There are approximately 300 miles of roads that exist within the City of Boulder. It is estimated that approximately 20 percent or 60 miles of the roads were covered in debris. The city also has 60 miles of bike path within the city limits. Approximately, 15 percent, or nine miles, of the path was damaged.

PROJECT STATUS	NUMBER OF PROJECTS ¹
Completed	16
Partially Completed	11
Planning/Design	5
TOTAL	32

All transportation facilities are available for full use by the public. Many of the remaining Transportation projects include construction activities within or adjacent to the Boulder

¹ Projects include FEMA and Federal Highway Administration (FHWA). FEMA oversees the disaster relief federal funding for the street system that carries lower volumes, or residential streets, and FHWA, through Colorado Department of Transportation (CDOT), oversees the federal funding for streets that have higher volumes.

drainageways. As a result, Transportation is targeting the summer or fall for these improvements when the water levels are lower. The remaining section of closed multi-use path, underpass between S. Boulder Creek and Baseline, is now open. The remaining Transportation projects include:

- Table Mesa/Lehigh – channel stabilization, reconstructing drop structures and repairing pavement.
- 55th Street at Cypress – install new storm sewer pipe, complete riprap and other channel work.
- Fourmile Canyon Creek at Violet, 19th and 26th – re-stabilize and protect eroded areas around sides of three bridges.
- 47th Street at Fourmile Canyon Creek – complete fencing.
- Various Street Locations – complete final asphalt resurfacing on flood damaged streets.
- Hawthorn – west of 4th Street – replace culvert for the Silver Lake Ditch crossing.
- Boulder Creek at 4141 Arapahoe – removal of a piece of displaced concrete.
- Boulder Creek east of 55th St. – repairs to the rip rap protecting the abutments of the pedestrian bridge.

Transportation staff anticipates that all projects will be complete within the next 9 to 12 months.

FACILITIES AND ASSESST MANAGEMENT (FAM): BUILDINGS AND STRUCTURES

Of the 365 city-owned buildings and structures approximately 35, or nine percent were damaged due to the flood.

PROJECT STATUS	NUMBER OF PROJECTS
Completed	20
Partially Completed	11
Planning/Design	3
TOTAL	34

The majority, or 58 percent of building and structural repairs have been completed with mitigation work, such as installing sump pumps, rerouting roof drains, and adding flood walls and doors, starting at the following facilities:

- Fire Stations #1 and #4;
- West Senior Center;
- Reynolds Library;
- Main Library;
- Iris Center; and
- North Boulder Recreation Center.

Additional flood recovery projects include:

- South Boulder Recreation Center – complete geotechnical engineering evaluation to determine mitigation strategies.
- Valmont Butte – reseed in the spring per the requirements of the Voluntary Cleanup Program.

- 1888 Violet Ave. – demolish the flood damaged single-family residence which housed the Wildland Fire crew (known as the “cache”), as mentioned in a previous “Heads Up” to City Council. A new wildland fire station is being built as part of the 2011 voter-approved Capital Improvement Bond.

The department anticipates that all flood-related projects will be complete over the next 9 to 12 months.

Header photos taken on April 2, 2014 as crews worked to reconstruct drop structures on Boulder Creek, just west of the Broadway bridge and South Boulder Creek, off Table Mesa Road.



Disaster Relief Program

RELIEF • RECOVERY • PREPAREDNESS

Flood Recovery Meeting for Boulder Businesses

If your business or nonprofit has suffered substantial harm from the September 2013 flood, you may qualify for a business grant or loan through Recover Colorado.

Join the Boulder Small Business Development Center (SBDC), in partnership with the City of Boulder and the Boulder Chamber, to hear the latest information about the Recover Colorado Business Grant and Loan Program and to get started. These funds will be made available on a first come, first served basis. Round One of the application period will last 45 days. You can take steps now to be in better position to qualify once the program starts.

Who Should Attend:

Work with the Boulder business community and key partners to connect affected businesses with resources, recover quickly from flood impacts, and support long-term economic vitality.

The city continues to assist businesses with flood recovery needs. Impacts to Boulder businesses ranged from moderate damage (businesses that were repaired in a few weeks) to severe (e.g. complete demolition of a building with 20 tenants at 100 Arapahoe Avenue). Business assistance inquiries have included unique requests to specific Boulder businesses (e.g. disposal of confidential but severely damaged documents) and questions about funding sources and business resources.

The city is a participant on the Business Recovery working group of the Long-Term Flood Recovery Group of Boulder County. This group is focused on outreach and assistance for unmet needs of small businesses.

Since mid-March, city staff members from Planning and Development Services, Housing, and Economic Vitality have been working with the State of Colorado Office of Economic Development and International Trade (OEDIT) and the Boulder Small Business Development Center (SBDC) to research and do business outreach for the new Recover Colorado Grant and Loan Program. This \$14 million in Community Development Block Grant – Disaster Relief (CDBG-DR) funding is available to small businesses (including home based businesses), non-profit organizations, rental property owners, and homeowners' associations in the form of grants and loans. These Recover Colorado funds are specifically intended for businesses and non-profits that have unmet needs after applying for other forms of flood recovery assistance. The applications will be available online and the application deadline is June 16. Applicants must work with SBDC to complete their applications, which will be processed on a first come, first served basis.

To alert the community to the availability of this new funding and eligibility requirements, the city sent e-mails to flood impacted business and non-profit organizations and approximately 3,000 rental property owners. Information was also posted on the city's website and distributed to local/regional media outlets. Notice was sent by e-mails or website postings by local business organizations, including the Boulder Chamber, SBDC, and the Boulder Area Rental Housing Association.

To assist businesses in navigating this process, the city and the SBDC co-hosted a workshop on April 16 with approximately 35 business, non-profit, rental housing, and homeowners' association representatives. Workshop attendees had the opportunity to schedule an appointment with an SBDC counselor to help prepare their application.

MILESTONES

- Communicated information regarding the Recover Colorado Business Grant and Loan Program (funded through CDBG-DR funds) to hundreds of businesses, non-profit organizations, partner organizations, and approximately 3,000 rental property owners.
- Co-hosted a business flood recovery workshop with the Small Business Development Center (SBDC).

Header photo taken at the March 31, 2014 Flood Preparedness + Recovery open house and event flyer image from the Business Flood Recovery meeting.

FLOOD SAFETY

BOULDER, CO

OBJECTIVE #4: PURSUE & FOCUS RESOURCES TO SUPPORT RECOVERY



Work in partnership with volunteers, governmental and other agencies to maximize financial resources and efficiencies for recovery.

Due to the September 2013 flooding, the city was declared a national disaster and created the opportunity for possible reimbursement through FEMA, Federal Highway Administration (FHWA) and the State of Colorado. The city is striving to maximize reimbursement from all applicable agencies. To assist in flood recovery efforts and to reduce costs, staff is utilizing volunteers and exploring grant opportunities. However, grant funding to restore affected facilities to better than pre-flood conditions are highly competitive. The city is currently investigating grant funding opportunities for mitigation projects. Most reimbursement funds are only applicable to return facilities to pre-flood conditions, which does not include mitigation efforts or facility enhancements.

FINANCIAL RESOURCES

Due largely to the city's reserve policies and ability to flex repair dollars, the city is able to fund the emergency response and initial recovery investments. Through the budget process, longer term plans will need to include replenishing the portion of reserves used that are not addressed by reimbursement. In the 2013 budget, the city used \$6,817,818 of reserve funds, approved through a budget supplemental on Dec, 3, 2013. In the 2014 budget, \$1,621,270 of reserve funds have been requested through the budget supplemental for council consideration on May 6, 2014. Discussions related to reserve funds for 2015 will occur as part of the Capital Improvement Program (CIP) and budget process in the third quarter of 2014.

It is anticipated that FEMA will reimburse the city for 75 percent of eligible costs to restore flood-damaged, publicly-maintained infrastructure to pre-flood conditions. The State of Colorado has indicated that it will provide an additional 12.5 percent toward eligible expenses. To be eligible for reimbursement the work must meet certain criteria established by FEMA and typically must be completed within 18 months of the disaster declaration. Eligible costs are uncertain and are currently estimated to be 80-90 percent of actual costs. The timing of the reimbursement is unknown and may occur over a period of 1-3 years. While this reimbursement will be a tremendous benefit to the city, not all costs are eligible and the city will still be required to pay for at least 12.5 percent of the costs, and any costs denied by FEMA or the state on eligible projects.

The table below illustrates, by Department/Division, the anticipated city share in the flood recovery costs as well as the estimated amount of reimbursement back to the city. To submit for reimbursement through FEMA and FHWA, project worksheets are completed and submitted to the respective agencies for review and processing. Once project worksheets are approved, which can take several months, the funds are obligated to the city. Obligated funds are allocated to the city through a Request for Reimbursements (RFRs) process, which may take months. It is anticipated that the city will begin to receive money allocated to the city in third or fourth quarter of 2014. Final closeout of project worksheets, which includes an audit process, is anticipated to take three to five years.

	Amount Spent	Remaining Estimated Cost	Total Cost	Estimated City Share	Estimated Reimbursement from FEMA/State/FHWA	Actual Reimbursement to City to date
Citywide Total	\$8,343,906	\$38,736,119	\$47,080,025	\$4,627,054	\$27,362,633	\$24,467
Department/ Division						
PW – Transportation	\$1,573,897	\$926,103	\$2,500,000	\$864,303	\$1,635,697	\$0
PW – Utilities	\$2,445,450	\$17,204,550	\$19,650,000	\$1,036,553	\$7,255,869	\$0
PW - FAM/Fleet*	\$721,301	\$2,478,699	\$3,200,000	\$105,852	\$92,620	\$0
OSMP	\$1,088,586	\$15,911,414	\$17,000,000	\$2,125,000	\$14,875,000	\$0
Parks & Rec	\$174,647	\$2,215,353	\$2,390,000	\$163,335	\$1,143,348	\$24,467
CP&S	\$1,430,069	-	\$1,430,069	\$283,437	\$1,984,072	\$0
Police	\$743,206	-	\$743,206	\$34,930	\$244,512	\$0
Fire	\$112,009	-	\$112,009	\$13,273	\$92,915	\$0
HR & Communication	\$54,741	-	\$54,741	\$371	\$2,600	\$0

**Anticipate that 100 percent of the flood damage to facilities will be covered by insurance. Anticipate a portion of mitigation costs to be covered by FEMA reimbursement.*

Damages to city infrastructure are currently estimated at approximately \$40-50 million dollars, although that number will change as additional assessments and evaluations occur.

GRANTS

The city is seeking grant dollars from a number of state and federal resources, most notably the Community Development Block Grant – Disaster Relief (CDBG-DR) funding. Additional information is included in the Objective 1 and 3 attachments.

The city is exploring additional funding sources including the Colorado Department of Health and Environment (CDPHE), Colorado Water Conservation Board (CWCB), FEMA Hazard Mitigation Grant Program (HMGP) and the Urban Drainage and Flood Control District (UDFCD).

City staff attended a Recover Colorado Funding workshop on April 21, which included information from 22 state and federal agencies.

VOLUNTEERS

Since September, the city has been very fortunate to have a significant level of support by volunteers, with over 1,700 volunteers logging nearly 7,100 hours. Of those hours, 3,429 are eligible for FEMA reimbursement, with a projected value of \$54,000.

Upcoming events for public volunteer assistance can be found online here: www.ow.ly/pfF4Y.

Header photos taken at OSMP flood recovery volunteer projects in October 2013.

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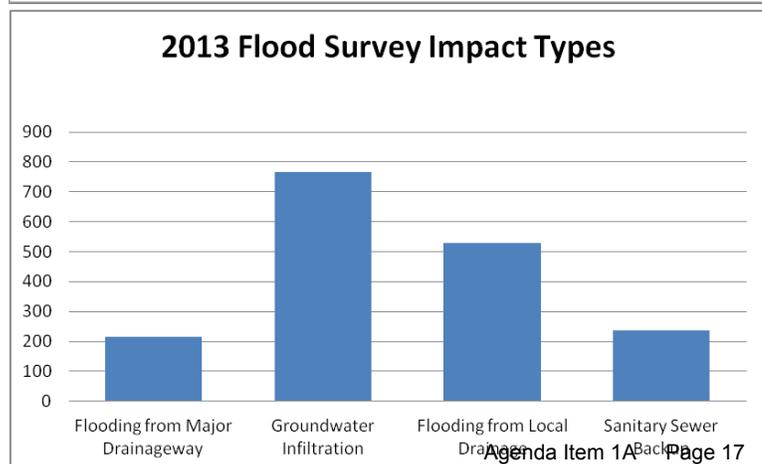
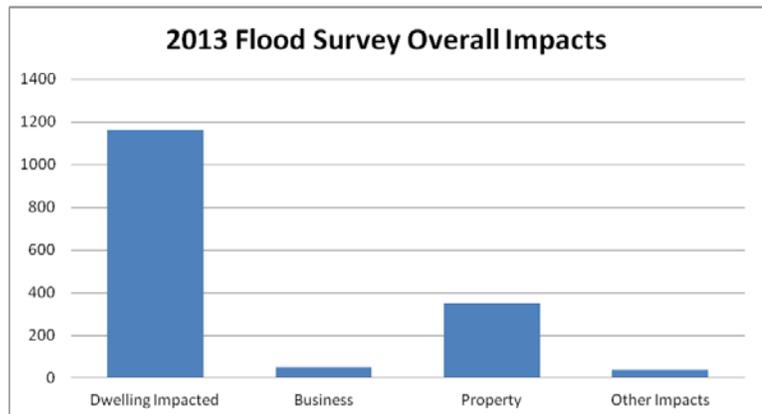
Engage the Boulder community in assessing neighborhood impacts, refining and rethinking community design options, prioritizing actions and opportunities that mitigate hazards before rebuilding and support long-term community resilience and sustainability. In doing so, we build a city both greater and more beautiful than we were before.

The Boulder community is still learning about the impacts from the flood. The feedback received from the fall 2013 Flood Open Houses has been compiled and posted online at www.boulderfloodinfo.net. Input on where the flood waters traveled was refined and is now online and available for use in recovery and planning efforts. The city collected crowd-sourced information, photos and video from residents using an online application. This information will be used to help the city and community learn from the flood and storm event.

2013 FLOOD SURVEY

As part of the learning and planning for the future, the Utilities Division of Public Works sent a survey to approximately 8,500 properties within the city that reported or were near flood damage. The city received approximately 1,300 responses (ca. 20 percent response rate).

Of the survey respondents, the preliminary total reported damage cost was \$49,188,241. The vast majority of respondents reported damage to a dwelling, and 75 percent reported that the source of damage was groundwater flooding.



ISET REPORT – FLOODS IN BOULDER: A STUDY IN RESILIENCE

As part of the resilience work being done in the community, the Institute for Social and Environmental Transition (ISET) International, recently published a report called “Floods in Boulder: A Study of Resilience.” The report, partially funded by the Red Cross and Rockefeller Foundation, is an evaluation of Boulder County communities and the resilience after the flood. The report highlights many successes of the city’s planning and emergency response efforts as well as several areas for further improvement. The study can be found here: <http://i-s-e-t.org/resources/case-studies/floods-in-boulder.html>

RESILIENCE AND “BOUNCING FORWARD”

As part of the city’s resilience effort through the Rockefeller Foundation’s 100 Resilient Cities initiative, city staff and the consulting team have been coordinating on sharing information and lessons from the flood. The kick-off workshop and public meeting for the initiative was held on April 28. Next steps include hiring an Assistant City Manager for Resilience, launching the resilience strategy process and holding a Study Session with City Council on August 26, 2014 regarding Boulder Valley Comprehensive Plan scoping and resilience.

The city is also participating in the Long-Term Flood Recovery Group of Boulder County’s Resilience committee, which is helping to examine the resilience of Boulder County communities and to build on the learning and partnerships established countywide, and to work collectively towards becoming more resilient in the face of future natural disasters. This group will assist in planning a series of events and shared learning the week of the one-year anniversary of the floods in September 2014.

NEIGHBORHOOD MEETING KIT

The city has launched a neighborhood preparedness and flood recovery “meeting-in-a-box” toolkit for neighborhoods, associations, and business organizations to help learn and prepare for the future. Registrations and materials requests are online at <https://bouldercolorado.gov/water/flood-preparedness-meetings-in-a-box>

MILESTONES:

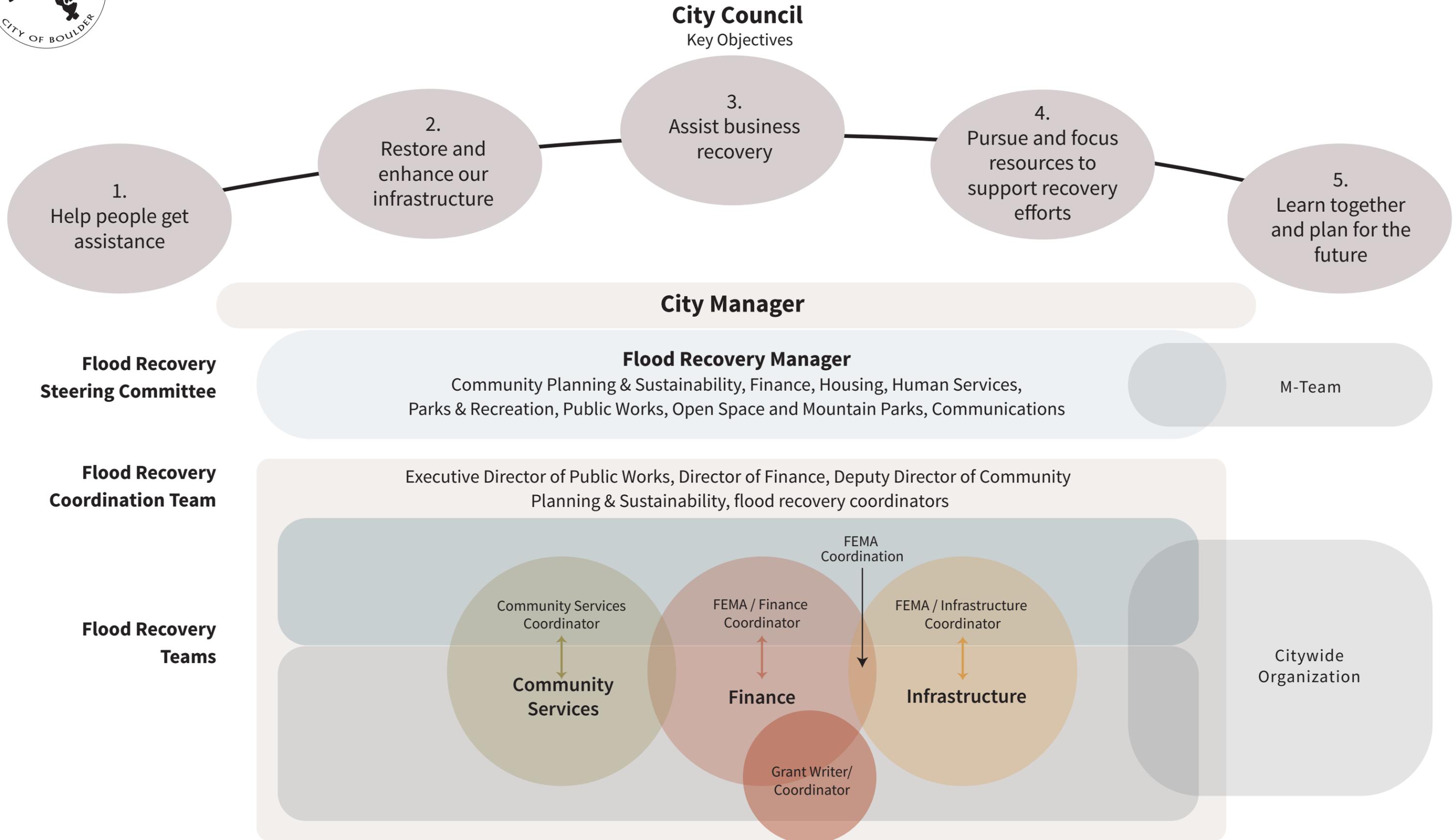
- Completed the Flood Survey with 1,311 responses.
- Completed two public open houses and preparedness presentations by the city and Office of Emergency Management. The presentation can be viewed here: <http://vimeo.com/92368226>

Header photos taken at the April 2, 2014 Flood Preparedness + Recovery open house.



City of Boulder Flood Recovery Structure*

04/23/14



*This diagram shows the city's internal long-term flood recovery structure. It is important to note that while not shown on this diagram, long-term flood recovery efforts interrelate to emergency preparedness and response, and resilience planning efforts.

**CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
March 18, 2014**

1. CALL TO ORDER AND ROLL CALL – 6:02 PM

Mayor Appelbaum called the regular March 18, 2014 City Council meeting to order at 6:02 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Cowles, Jones, Karakehian, Morzel, Plass, Shoemaker, Weaver and Young.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:03 PM

1. Fran Sheets – Spoke in opposition to the Eldora Mountain expansion project.
2. Payson Sheets – Spoke in opposition to the Eldora Mountain expansion project.
3. Fleet White – Spoke about the unsolved murder investigation involving Jon Benet Ramsey. He expressed anger about the use of his name by the media in relation to the case.
4. Priscilla White – Also spoke about the investigation of the Jon Benet Ramsey murder and allegations made about her family that were printed in the newspaper.
5. Vivienne Palmer – Spoke about “vacation rentals by owner” in Boulder and the need for policy dictating how these businesses were to pay taxes in addition to the licensing requirements.
6. Kris Middledorf – Thanked the community and Council for their work on the ordinance requiring bear resistant containers in specific areas of the city.
7. Diane Young – Spoke about her experiences related to the September flood event.

3. CONSENT AGENDA – 6:28 PM

- A. CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM FEBRUARY 18, 2014**
- B. CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM MARCH 5, 2014**
- C. CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE FEBRUARY 11, 2014, STUDY SESSION REGARDING THE 2014-2015 WORK PLAN AND NEXT STEPS**
- D. THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7959, AMENDING CHAPTER 7-6, “PARKING INFRACTIONS,” B.R.C. 1981, BY ADDING A NEW**

SECTION 7-6-30 PROHIBITING PARKING BY NON-ELECTRIC VEHICLES AT ELECTRIC VEHICLE CHARGING STATIONS, AMENDING SECTION 7-6-2 BY ADDING A PENALTY OF \$50 AND SETTING FORTH RELATED DETAILS

- E. THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7962 AMENDING CHAPTER 6-3, “TRASH, RECYCLABLES AND COMPOSTABLES,” B.R.C. 1981, BY ADDING A NEW SECTION 6-3-12 REQUIRING BEAR RESISTANT CONTAINERS IN A DESIGNATED AREA OF THE CITY; AMENDING SECTION 6-3-2, BY ADDING NEW DEFINITIONS; ADDING ADMINISTRATIVE PENALTIES FOR VIOLATIONS AND SETTING FORTH RELATED DETAILS**
- F. CONSIDERATION OF A MOTION TO APPROVE A TWENTY YEAR LEASE FOR THREE RIGHT-OF-WAY ENCROACHMENTS (STONE BENCH, ACCESSIBLE RAMP AND STAIRS) FOR THE BENEFIT OF THE PROPERTY LOCATED AT 934 PEARL STREET**

APPLICANT: ROCKY MOUNTAIN BOULDER, LLC AND AHM PROPERTIES, LLC

Council Member Jones moved, seconded by Council Member Karakehian, to approve the consent agenda items 3A thru 3F, with items 3A and 3B amended. The motion carried 9:0. Vote taken at 6:30 PM.

4. POTENTIAL CALL- UP CHECK IN – 6:30 PM

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

ORDER OF BUSINESS

5. PUBLIC HEARINGS – 6:30 PM

- A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7965 AMENDING TITLES 4, 5, 6 AND 8, B.R.C. 1981, TO MODIFY THE GENERAL PENALTY PROVISIONS AND AMENDING TITLES 5 AND 7 BY REPEALING SECTION 7-5-17 REGARDING PEDESTRIAN INTERFERENCE WITH VEHICLES SECTION 7-5-25 REGARDING STAYING ON MEDIANS AND ADDING THOSE PROVISIONS TO NEW SECTIONS 5-6-15 AND 5-6-16, B.R.C. 1981, AND SETTING FORTH RELATED DETAILS**
- B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7966 AMENDING TITLE 5, “GENERAL OFFENSES,” B.R.C. 1981 BY ADDING A NEW SECTION 5-5-20 ADDING A PROVISION PROHIBITING UNLAWFUL CONDUCT ON PUBLIC PROPERTY AND AMENDING CHAPTER 2 “GENERAL PROVISIONS,” BY AMENDING SECTION 5-2-4, B.R.C. 1981 TO ALLOW FOR CRIMINAL PENALTIES UNDER THE NEW SECTION 5-5-20 AND SETTING FORTH RELATED DETAILS**

City Attorney Tom Carr presented on this item.

Assistant City Attorney Janet Michels was available to answer questions.

Items 5A and 5B were combined into one public hearing.

The public hearing was opened at 6:52 PM:

1. Darren O'Connor – Spoke in opposition to the proposed ordinances related to criminal activity. He commented that paying for housing was cheaper than utilizing the court and jail as punishment for disorderly conduct.
2. Terese Howard – Spoke as a resident of Denver with many friends in the homeless community opposed to the proposed ordinances.
3. Reno Yakeueha – Spoke as a member of the homeless community opposed to increased penalties related to criminal conduct.
4. David Eisenhower – Spoke in opposition to the proposed ordinances and encouraged Council to go out in the community and get to know the homeless in Boulder.
5. Mary Eisenhower – Spoke against the proposed ordinances and in defense of those that were part of the homeless community.
6. Margaret Jane Kophart – Handed out letters to the editor that she had written and asked Council to reconsider passing the proposed ordinances.
7. David Harrison – Spoke as a local attorney opposed to the ordinances being presented.
8. Rob Smoke – Spoke as a long time Boulder resident and as a person who had joined the homeless community due to recent circumstances. He commented that he was opposed to the passage of ordinances that would reduce the quality of life for the homeless community.
9. Carolyn Bninski – Spoke about the trauma many experienced due to the flood event and commented that many of the homeless had experienced trauma in their lives that caused barriers. She asked Council to consider alternatives to the proposed ordinances that would mitigate criminal activity in the civic area.

There being no further speakers, the public hearing was closed at 7:20 PM.

Council Member Cowles acknowledged those that had spoken to Council during the public hearing and reviewed the services provided in the community. He noted that those programs would not have been funded without approval from Council in the budget process. He asked those opposing the proposed ordinances to look at how much Boulder offered to assist those in need. He stated that he intended to support the passage of the proposed ordinances.

Council Member Young recalled a recent walk she went on with employees from the Municipal Court around the municipal campus. The employees had noted that the municipal campus was not being used in the way it was intended and they thought real change would

occur when others started to use the area for family oriented activities. She also mentioned that there was not enough housing in the downtown area to support other uses of the municipal campus.

Council Member Plass moved, seconded by Council Member Cowles, to adopt on second reading Ordinance No. 7965 amending Titles 4, 5, 6 and 8, B.R.C. 1981 to modify the general penalty provisions and amending Titles 5 and 7 by repealing Section 7-5-17 regarding pedestrian interference with vehicles and Section 7-5-25 regarding staying on medians and adding those provisions to new Sections 5-6-15 and Section 5-6-15 and setting forth related details; and

To adopt on second reading Ordinance No. 7966 amending Chapter 5, "General Offenses," B.R.C. 1981, by adding a new section 5-5-20 adding a provision prohibiting unlawful conduct on public property, and amending Chapter 2 "General Provisions," by amending section 5-2-4, B.R.C. 1981 to allow for criminal penalties under the new section 5-5-20 and setting forth related details.

Council Member Plass commented that the ordinances were going to give the court better tools to deal with the behavior that was occurring on the municipal campus. He agreed with Council Member Cowles comments regarding the incredible services available to the homeless in Boulder.

Mayor Appelbaum agreed and stated he would also be supporting the motion. He noted that the homeless issue was separate from the ordinances being considered. He explained the work being done through the Metro Mayor's Caucus around the issue of homelessness in the region, state and country. He suggested that those passionate about helping the homeless consider lobbying at the state level.

Council Member Jones commented that she was not in full agreement with the proposed ordinances, but would support the motion. She thought it was important to give the judge more authority in sentencing those ticketed for the behaviors noted in the ordinances.

Council Member Weaver echoed the gratitude expressed by Council Member Cowles and agreed with the comments of Mayor Appelbaum and Council Member Plass. He stated that he would also be supporting the motion.

Council Member Morzel spoke about her passion to help the homeless in the community and expressed concern for their safety as well. She commented that she would be supporting the motion and commented on the municipal judge's passion for restorative justice. She spoke about the housing shortage in Boulder and affordable options for the homeless as well as increasing occupancy limits. She recalled her time living on the streets of Kansas City as an adolescent and her experience living in communes. She stated that she would be the first one to ask for these ordinances to be revisited if it appears that the changes were not for the good. She suggested day shelters offering bathrooms and showers for the homeless.

Vote was taken on the motion by Council Member Plass, seconded by Council Member Cowles, to adopt on second reading Ordinance No. 7965 amending Titles 4, 5, 6 and 8, B.R.C. 1981 to modify the general penalty provisions and amending Titles 5 and 7 by

repealing Section 7-5-17 regarding pedestrian interference with vehicles and Section 7-5-25 regarding staying on medians and adding those provisions to new Sections 5-6-15 and Section 5-6-15 and setting forth related details; and

To adopt on second reading Ordinance No. 7966 amending Chapter 5, "General Offenses," B.R.C. 1981, by adding a new section 5-5-20 adding a provision prohibiting unlawful conduct on public property, and amending Chapter 2 "General Provisions," by amending section 5-2-4, B.R.C. 1981 to allow for criminal penalties under the new section 5-5-20 and setting forth related details. The motion carried 9:0. Vote taken at 7:44 PM.

6. MATTERS FROM THE CITY MANAGER - 7:45 PM

A. UPDATE ON XCEL PARTNERSHIP TASK FORCE

Executive Director of Energy Strategy and Electric Utility Development Heather Bailey presented on this item and informed Council that the Xcel Partnership Task Force had chosen to disband itself. She also noted that the presentation Xcel had planned in June to allow the company to present products and services to the city had been cancelled by Xcel. She expressed a desire to hold an event to thank those that served on the task force.

B. CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO USE THE NEGOTIATED METHOD OF SALE FOR ISSUING OPEN SPACE BONDS IN 2014

Chief Financial Officer Bob Eichen presented on this item.

Council Member Jones moved, seconded by Council Member Weaver, to authorize the city manager to conduct a bond sale using the negotiated method for issuing open space bonds in 2014.

Council Member Jones expressed excitement regarding the use of the negotiated bond sale method.

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL – 8:15 PM

A. POTENTIAL CALL-UPS

1. SITE REVIEW AT 1301 WALNUT STREET

No interest was expressed in calling-up this item.

B. APPOINTMENTS TO BOARDS AND COMMISSIONS

City Clerk Alisa Lewis

By the flip of a coin, the order of voting was determined to be reverse alphabetical.

Art Commission

Nominations were opened:

Council Member Plass nominated Felicia Furman.

There being no further nominations, Felicia Furman was appointed to a five-year term by acclamation.

Beverages Licensing Authority

Nominations were opened:

Council Member Weaver nominated Steve Wallace.

Council Member Karakehian nominated Doyle Albee.

There being no further nominations, Steve Wallace was appointed to a five-year term by unanimous vote.

Board of Zoning Adjustment

Nominations were opened:

Council Member Morzel nominated Thom Ward.

There being no further nominations, Thom Ward was appointed to a five-year term by acclamation.

Boulder Design Advisory Board

Nominations were opened:

Council Member Cowles nominated Leonard Thomas.

Council Member Morzel nominated Jamison Brown.

There being no further nominations, Jamison Brown was appointed to a five-year term; vote 5:4, with Council Members Appelbaum, Cowles, Karakehian and Morzel voting for Leonard Thomas.

Boulder Junction Access District – Parking Commission

Nominations were opened:

Council directed staff to reopen recruitment for the vacancy on this board.

Boulder Junction Access District – Travel Demand Management

Nominations were opened:

Council directed staff to reopen recruitment for the vacancy on this board.

Boulder Urban Renewal Authority

Nominations were opened:

Council directed staff to reopen recruitment for the vacancies on this board.

Downtown Management Commission

Nominations were opened:

Council Member Karakehian nominated Susan Deans.

Council Member Young expressed a desire to reopen the vacancy on the Downtown Management Commission.

Vote was taken on reopening the vacancy, the request failed 1:8, with Council Members Appelbaum, Cowles, Jones, Karakehian, Morzel, Shoemaker and Weaver opposed.

There being no further nominations, Susan Deans was appointed to a five-year term by acclamation.

Environmental Advisory Board

Nominations were opened:

Council Member Jones nominated Morgan Lommele.

Council Member Morzel nominated Brad Queen.

There being no further nominations, Morgan Lommele was appointed to a five-year term by unanimous vote.

Housing Authority

The Mayor announced that Boulder Housing Authority vacancies were handled as mayoral appointments.

Mayor Appelbaum appointed Nikki McCord to a two-year term and Mark Ruzzin to a five-year term.

Human Relations Commission

Nominations were opened:

Council Member Plass nominated Jose Beteta.

There being no further nominations, Jose Beteta was appointed to a five-year term by acclamation.

Landmarks Board

Nominations were opened:

Council directed staff to reopen recruitment for the vacancy on this board.

Library Commission

Nominations were opened:

Mayor Appelbaum recused himself due to a conflict of interest.

Council Member Morzel nominated Rachel Cohen.

Council Member Cowles requested the vacancy be reopened.

Vote was taken on reopening the vacancy, the request failed 3:5, with Council Members Karakehian, Morzel, Plass, Shoemaker and Young opposed, Mayor Appelbaum was recused.

Council Member Shoemaker nominated Joni Teter.

There being no further nominations, vote was taken, there was a 4:4 vote with Council Members Morzel, Plass, Weaver and Young voting for Rachel Cohen and Council Members Cowles, Jones, Karakehian and Shoemaker voting for Joni Teter, Mayor Appelbaum was recused.

A second vote was then taken and Joni Teter was appointed to a five-year term; 5:3 vote, with Council Members Morzel, Plass and Young voting for Rachel Cohen.

Open Space Board of Trustees

Nominations were opened:

Council Member Weaver nominated Bill Briggs.

Council Member Shoemaker nominated Kevin Bracy Knight.

There being no further nominations, Kevin Bracy Knight was appointed to a five-year term; vote 6:3, with Council Members Morzel, Plass and Young voting for Bill Briggs.

Parks and Recreation Advisory Board

Nominations were opened:

Council Member Cowles nominated Thomas Klenow.

There being no further nominations, Thomas Klenow was appointed to a five-year term by acclamation.

Planning Board

Nominations for the first seat were opened:

Council Member Jones nominated Crystal Gray.

There being no further nominations, Crystal Gray was appointed to the first seat on the Planning Board by acclamation.

Nominations for the second seat were opened:

Council Member Cowles nominated Elizabeth Payton.

There being no further nominations, Elizabeth Payton was appointed to the second seat on the Planning Board by acclamation.

Nominations for the third seat were opened:

Council Member Shoemaker nominated Harmon Zuckerman.

Council Member Morzel nominated John Gerstle.

Council Member Karakehian nominated Ed Byrne.

There being no further nominations, John Gerstle was appointed to the third seat on the Planning Board; vote 6:3, with Council Members Appelbaum, Cowles and Karakehian voting for Harmon Zuckerman.

Crystal Gray was appointed to a five-year term, Elizabeth Payton was appointed to a five-year term, and John Gerstle was appointed to a three-year term.

Transportation Advisory Board

Nominations were opened:

Council Member Cowles nominated Daniel Stellar.

Council Member Young nominated Karen Worminghaus.

There being no further nominations, Daniel Stellar was appointed to a five-year term; vote 7:2, with Council Members Weaver and Young voting for Karen Worminghaus.

University Hill Commercial Area Management Commission

Nominations were opened:

Council directed staff to reopen recruitment for the vacancies on this board.

Water Resources Advisory Board

Nominations were opened:

Council Member Morzel nominated Michael Cohen.

Council Member Shoemaker nominated Lesley Smith.

There being no further nominations, Lesley Smith was appointed to a five-year term; vote 6:3, with Council Members Appelbaum, Jones and Morzel voting for Michael Cohen.

Mayor Appelbaum moved, seconded by Council Member Weaver, to ratify the Board and Commission appointments and to reopen recruitment for the following Boards: BURA, BJAD's, Landmarks Preservation Advisory Board and UHCAMC.

C. CONSIDERATION OF A MOTION TO APPROVE A FUNDING REQUEST FROM THE BOULDER/YAMAGATA FRIENDSHIP COMMITTEE RELATED TO THE 20TH ANNIVERSARY CELEBRATION OF THE BOULDER-YAMAGATA SISTER CITY RELATIONSHIP

Council Member Plass, Interim Director for Parks and Recreation Jeff Dillon and Deputy City Clerk Alisa Darrow presented on this item.

Council Member Weaver moved, seconded by Council Member Morzel, to approve funding in the amount \$1,000 and allow for Parks and Recreation staff and equipment costs for the Boulder/Yamagata Sister City 20th Anniversary celebration.

9. PUBLIC COMMENT ON MATTERS – 10:23 PM

1. Ben Binder – Spoke in opposition to negotiated bond sales, he commented that in a competitive market the city would receive a better interest rate.

10. FINAL DECISIONS ON MATTERS – 10:27 PM

Vote was taken on the motion to authorize the city manager to conduct a bond sale using the negotiated method for issuing open space bonds in 2014. The motion carried 6:3, with Council Members Karakehian, Morzel and Shoemaker opposed. Vote taken at 10:51 PM.

Vote was taken on the motion to ratify the Board and Commission appointments and to

reopen recruitment for the following Boards: BURA, BJADs, Landmarks Board and UNCAM. The motion carried 9:0. Vote taken at 10:52 PM.

Vote was taken on the motion to approve funding in the amount \$1,000 and allow for Parks and Recreation staff and equipment costs for the Boulder/Yamagata Sister City 20th Anniversary celebration. The motion carried 9:0. Vote taken at 10:52 PM.

11. DEBRIEF

None.

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on March 18, 2014 at 10:52 PM.

Approved this ___ day of _____, 2014.

APPROVED BY:

ATTEST:

Alisa D. Lewis
City Clerk

Matthew Appelbaum
Mayor

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CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
April 1, 2014

1. CALL TO ORDER AND ROLL CALL – 6:00 PM

Mayor Appelbaum called the regular April 1, 2014 City Council meeting to order at 6:00 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Cowles, Jones, Karakehian, Morzel, Plass, Shoemaker, Weaver and Young.

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

1. Sarah McClain – Spoke on behalf of PLAN Boulder County and applauded the work the Council had done on affordable housing.
2. James Cody – Spoke in favor of raising the occupancy limits for rental housing in Boulder.
3. Brook Stableford – Also spoke in favor of raising occupancy limits for rental housing and commented on the number of people forced to leave Boulder to live in a more affordable community.
4. Michael Fitzgerald – Spoke against the recently adopted ordinances regarding staying on medians that he thought were directed at the homeless.
5. Ellen Taxman – Also spoke in favor of raising the occupancy limits for rental housing from the viewpoint of senior citizens.
6. Alayna Bell – Spoke in favor of repealing the occupancy limits in place for rental housing and also in favor of allowing cooperative housing.
7. Mike Befeler – Spoke on behalf of senior citizens in favor of raising the occupancy limits on rental housing. He specifically pointed out the financial difficulties facing widows and widowers.
8. Lisa Darby – Spoke on behalf of SPAN (Safehouse Progressive Alliance for Nonviolence) and the transitional services offered to victims of violence in Boulder.
9. Michael Goodhue – Spoke against the recent regulations adopted by Council to deal with the problem of over consumption of alcohol and against rulings made by the Beverages Licensing Authority.
10. Ana Silvia Avendano-Curiel – Spoke on behalf of SPAN and the transitional services offered to victims of domestic violence in Boulder.

11. Amy Concilio – Spoke in favor of raising the rental housing occupancy limits.
12. Zane Selvans – Spoke about the County Sustainability Tax as it related to renewable energy.
13. Francoise Poinstle – Asked Council to support the sustainability tax that the county planned to place on the ballot in 2014. She also urged Council to consider updating the occupancy limits for rental housing in Boulder.
14. Robert Smart – Spoke in opposition to the use of negotiated bond sales.
15. Neshama Abraham – Spoke in favor of allowing the elderly an exemption from occupancy limits related to rental housing.
16. Steve Keenan – Commented that Boulder would benefit from the establishment of a Sister City relationship with another city in the Ukraine.
17. Darren O’Connor – Spoke about homeless issues in Boulder and opposed to the recent regulations adopted by Council.
18. Kate Toan – Spoke against the smoking ban and recent alcohol regulations adopted by City Council.
19. Sabrina Sideris – Spoke in favor of raising or repealing occupancy limits for rental housing.
20. Christian Neckel – Spoke against government in general citing the American Constitution.
21. Doug Millar – Spoke about the Jon Benet Ramsay case and his research regarding her murderer.

3. CONSENT AGENDA – 7:00 PM

- A. CONSIDERATION OF A MOTION TO ACCEPT THE FEBRUARY 20, 2014 STUDY SESSION SUMMARY REGARDING POTENTIAL REVISIONS TO CHAPTER 13-2 “CAMPAIGN FINANCIAL DISCLOSURE,” B.R.C. 1981**
- B. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING CHAPTER 13-2, “CAMPAIGN FINANCING DISCLOSURE,” B.R.C. 1981 INCLUDING MODIFYING THE FINANCIAL REPORTING REQUIREMENTS, ADDING ADDITIONAL REPORTING REQUIREMENTS FOR CITY COUNCIL MEMBERS, SETTING FORTH REPORTING PERIODS AND SETTING FORTH RELATED DETAILS**

- C. **CONSIDERATION OF A MOTION TO APPROVE THE DISPOSAL OF OPEN SPACE AND MOUNTAIN PARKS LAND DESCRIBED AS A PERMANENT EASEMENT ON APPROXIMATELY 4,500 SQUARE FEET (0.103 ACRES) FOR \$6,750 TO THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS FOR A SIPHON DRAIN ON LINDSAY OPEN SPACE AT SIPHON #4 OF THE DENVER WATER CANAL PIPELINE. THIS IS A DISPOSAL OF OPEN SPACE LAND UNDER THE CITY CHARTER SECTION 177**
- D. **CONSIDERATION OF A MOTION TO RESCHEDULE THE REGULAR MEETING OF CITY COUNCIL ON APRIL 15, 2014 TO APRIL 16, 2014**

Council Member Plass moved, seconded by Council Member Morzel to approve Consent Agenda items 3A through 3D. The motion carried 9:0. Vote taken at 7:02 p.m.

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

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

ORDER OF BUSINESS

5. **PUBLIC HEARINGS - 7:04 PM**

- A. **CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7967 AMENDING SECTIONS 4-20-60, "VOICE AND SIGHT CONTROL EVIDENCE TAG FEES," 6-1-16, "DOGS RUNNING AT LARGE PROHIBITED," 6-13-2, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIRED," 6-13-4, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIREMENTS," AND 6-13-5, "SUSPENSION AND REINSTATEMENT OF VOICE AND SIGHT CONTROL EVIDENCE TAGS UPON VIOLATIONS," AND ADDING A NEW SECTION 6-13-4.5, "TERMS OF VOICE AND SIGHT CONTROL EVIDENCE TAG," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS**

Director of Open Space and Mountain Parks Mike Patton and Environmental Planner Steve Armstead presented on this item.

The public hearing was opened at 8:00 PM:

1. Ann Cooney – Spoke in opposition to the proposed changes to voice and sight control of dogs on open space.
2. Mark Gelband – Spoke in opposition to the proposed ordinance and claimed that the changes did not address the problem of excrement on the trails.
3. Gwen Dooley – Spoke in favor of the proposed changes to the green tag program.
4. Jill Dugherty – Spoke as a local dog owner opposed to the proposed changes to voice and sight control requirements.
5. Catharine Harris – Spoke in favor of the proposed changes to the green tag program.

6. Dave Conlin – Spoke in opposition to the proposed changes to the green tag program.
7. Diann Yandrich – Spoke as a local dog trainer opposed to the proposed changes to the green tag program.
8. Brenda Garnett – Spoke about the need for dog guardians to properly exercise their dogs off-leash. She suggested designating specific trails as “walking dog parks.”
9. Jane Grottuschen – Spoke in opposition to the proposed changes to voice and sight control.
10. David Ensign – Spoke as a local dog sitter experienced with dogs that behaved on or off leash as well as dogs that should never be allowed off leash. He was in favor of the proposed changes.
11. Charlie Stein – Spoke in favor of the proposed changes to voice and sight control, he was opposed to the sanction that could revoke or suspend a green tag.
12. Valerie Yates – Spoke as a dog owner whose dogs had green tags and opposed to the proposed changes to voice and sight control.
13. Frances Hartogh – Spoke as a member of the Open Space Board of Trustees, she commented on the complexity of the voice and sight control ordinance and in favor of the requirement of a class in order to obtain a green tag.
14. Toby Fernsler – Spoke in opposition to the proposed sanctions for violations related to voice and sight control as well as excrement removal.
15. Mara Frazier – Spoke about her experiences on trails where she had interactions with dogs off leash. She was in favor of the proposed changes.
16. Carolyn Usher – Requested that Council make adjustments to clarify the proposed ordinance before passage.
17. Raymond Bridge – Spoke as an open space volunteer in favor of the proposed changes to voice and sight control.
18. Carol McCasland – Spoke in favor of the proposed changes to voice and sight control regulations.
19. Daniel Sukle – Spoke on behalf of FIDOS (Friends of Dogs on Open Space), in favor of the proposed ordinance.

20. Eileen Monyok – Spoke about the disparity between the violations a person could incur and the proposed violations and sanctions related to behavior of dogs with green tags. She was opposed to the proposed changes.
21. Mark McIntyre – Spoke in opposition to the proposed changes to the voice and sight program.
22. Melinda Kassen – Spoke in opposition to the one strike policy being proposed in the ordinance for voice and sight control.
23. Barbara Loren – Spoke as a dog owner with a green tag, she recalled an incident between her dog and another that led to the death of her Labrador Retriever. She commented that a trained dog was a loved dog. She was in favor of requiring a class as part of the green tag program.
24. Pidgeon Johnson – Spoke in opposition to the proposed changes to the voice and sight control regulations.
25. Renee St. Aubin – Spoke in opposition to the proposed changes to the voice and sight control regulations.
26. Richard Harris – Spoke in favor of the proposed changes to voice and sight control and thanked the Open Space Board of Trustees.
27. Alexander Ballard – Spoke in opposition to the proposed changes to the voice and sight control regulations.
28. Alan Longo – Spoke in opposition to the proposed changes to the voice and sight control regulations.
29. Rob Scott – Spoke in opposition to the proposed changes to the voice and sight control regulations, specifically the rule revoking a green tag for certain offenses.
30. Valerie Crecco – Spoke in opposition to the proposed changes to the voice and sight control regulations.
31. Max Pritikin – Spoke about the heavy use of trails by humans as being more disruptive to nature than dogs off leash. He was opposed to the proposed changes.
32. Linda Jourgensen – Spoke on behalf of FOBOS (Friends of Boulder Open Space) in favor of the proposed changes to voice and sight control regulations.
33. Edie Stevens – Spoke in favor of the proposed changes to the voice and sight control regulations.

34. Patrick Murphy – Spoke in favor of the proposed changes to the voice and sight control program.
35. Carol Duffy – Spoke about her experience receiving a warning for having her dog off leash in a park while attempting to train the dog.
36. Sunny Monaco – Spoke in opposition to the proposed changes, specifically the costs to dog owners.
37. Lori Fuller – Spoke in opposition to the proposed changes to the voice and sight control regulations.
38. Tony Gannaway – Spoke in opposition to the proposed sanctions related to voice and sight control regulations.

There being no further speakers, the public hearing was closed at 9:24 p.m.

Deputy City Attorney David Gehr noted that there was a typo on page 47 that would have to be corrected when the ordinance was passed.

There was Council consensus to implement education and outreach strategies involving additional signage, garbage cans, training and utilization of volunteers.

Council agreed that there would be a requirement to show proof of current rabies vaccinations for all dogs registered in the program and that City of Boulder residents would be required to also provide proof they hold a valid city of Boulder dog tag.

Council agreed to the program registration and annual renewal fees as presented in a graduated fee structure.

Council agreed with the staff recommendation requiring participants to attend an information session before being allowed to register for the program. The information session would include an updated voice and sight video and would require participants to repeat the session every five years.

There was Council consensus to increase compliance related to dogs at large on open space that did not have a green tag.

The Council agreed with the staff recommendation to increase fines for violations.

Staff recommended that revocation occur after one conviction for “Aggressive Animal Prohibited (B.R.C. 6-1-20)” or one conviction of “Failure to Protect Wildlife (or livestock, B.R.C. 8-3-5).” Council directed staff to change the ordinance to give the municipal judge authority to determine when a green tag would be revoked.

Staff recommended revocation occur after two convictions of a dog at large for voice and sight control violations where the dog guardian does not possess a leash and violations of the

City Manager's Rule involving wildlife protection and a dog being off leash. Council directed staff to change the ordinance to give the municipal judge authority to determine when a green tag would be revoked.

Council directed staff to allow judicial authority related to guardian's receiving two revocations in three years. They also directed staff to allow judicial authority related to the fine and revocation period for guardian's receiving a violation for a dog off leash.

Council accepted staff's recommendation that program privileges may be reinstated after successful completion of a reinstatement process. Reinstatement from revocation would include successful completion of the voice and sight evaluation test by the revoked guardian and the dog. The dog guardian would also be required to attend the information session prior to reinstatement and the guardian would pay all fees associated with the test and a reinstatement fee.

Council directed staff to re-craft the ordinance with the proposed changes and second reading would be continued to a date determined by the Council Agenda Committee.

Mayor Appelbaum moved, seconded by Council Member Plass to continue this item to a future meeting to be scheduled by the Council Agenda Committee. The motion carried 9:0. Vote taken at 11:15 p.m.

6. MATTERS FROM THE CITY MANAGER - 11:15 PM

A. UPDATE ON THE COMPREHENSIVE HOUSING STRATEGY

Executive Director of Community Planning and Acting Housing Director David Driskell and Senior Planner Jay Sugnet presented on this item.

Deputy Director of Community Planning and Sustainability and Housing Division Manager Jeff Yegian were available to answer questions.

Mayor Appelbaum asked staff to bring back information on how Boulder compares to other cities nearby in relation to housing. He pointed out data provided showing that Boulder had a higher rate of residents living and working in Boulder compared to Longmont.

Council Member Shoemaker expressed concern related to the number of affordable housing units in Boulder.

Council Member Morzel expressed concern about key assumptions made by staff following the May, 2013 study session provided in Attachment A. She noted that there was no Council consensus on the listed items and reminded staff that Council cannot take action at a study session.

Mr. Driskell responded that the update was being provided as an introduction to an upcoming study session where Council would give staff direction on the key assumptions listed.

Council Member Morzel commented that she understood, but was concerned the assumptions were being presented as though Council had provided direction or there was consensus of Council when in fact there was not. She also asked that staff include the direction for an affordable housing board and a buy down program for affordable units in the key assumptions when they came back to Council. Lastly, she asked for inclusion of the airport and zoning issues associated with housing.

Council Member Weaver asked for more information related to the problem that Council was being asked to resolve and why the current strategy was not working. He suggested linking the Climate Commitment and Energy Future goals to the Comprehensive Housing Strategy.

Council Member Young agreed and suggested linking to the Public Works Master Plan as well as including multi-generational housing as an item to be addressed. She wondered what the outreach process would be to create working groups associated with the Comprehensive Housing Strategy.

Mr. Sugnet responded that Housing would like to offer an open invitation to citizens who wanted to be involved, but the entire process had not yet been fully vetted.

B. REQUEST FOR INPUT FROM THE BOULDER COUNTY BOARD OF COUNTY COMMISSIONERS ON CITY AND COUNTY SUSTAINABILITY PRIORITIES AND POSSIBLE FUTURE FUNDING MECHANISMS TO MEET THOSE PRIORITIES

Council Member Jones disclosed that she was the CEO of Eco-Cycle.

Council Member Weaver disclosed that he was involved with several businesses in the energy field.

Local Environmental Action Manager Kara Mertz presented on this item, informing Council that the Council Commissioners would be holding a hearing to review the status of current environmental sustainability programs throughout the county. The commissioners were requesting input from the city council on priorities as well as the potential of a new funding mechanism to meet those priorities.

Council Member Morzel disclosed that she was appointed to the County Resource Advisory Board. She also stated that the zero waste goals included with the tax was appealing to her and noted that citizens had previously passed recycling taxes. She also commented on the energy and climate change initiatives involved with the tax proposal.

Council Member Weaver agreed that voters would understand the tax better if the items included were grouped under the topics Council Member Morzel offered. He wanted to include greenhouse gas emission goals and methane leakage assessments in addition to the list provided.

Mayor Appelbaum pointed out that the County wanted to attach the sustainability tax to property taxes rather than sales tax and he was somewhat concerned given the impact to the future rate of property taxes in Boulder County. He suggested working with nearby municipalities to pass sales taxes in each community in order to ensure equity.

Council Member Jones expressed support for the proposed tax and agreed it would do better as a sales tax.

Council Member Plass expressed support for the proposed tax and asked Council to support the County in its efforts.

Council Member Young expressed support for the proposed tax.

Mayor Appelbaum suggested staff provide a concise memo with Council's comments to the County as feedback on the proposed tax.

7. **MATTERS FROM THE CITY ATTORNEY - 12:13 AM**
None

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL – 12:13 AM**

A. POTENTIAL CALL-UPS

1. SITE REVIEW AT 1715 AND 1725 28TH STREET

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

9. **PUBLIC COMMENT ON MATTERS -12:13 AM -None**

10. **FINAL DECISIONS ON MATTERS - 12:13 AM - None**

11. **DEBRIEF – 12:13 AM**

Council Member Plass commented on how well the Voice and Sight conversation had gone and that he was pleased Council was able to come together on some of the items that were unresolved prior to the meeting.

Council Member Morzel noted that she liked how the voice and sight conversation had been structured.

12. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on April 2, 2014 at 12:14 AM.

Approved this ___ day of _____, 2014.

APPROVED BY:

ATTEST:

Alisa D. Lewis
City Clerk

Matthew Appelbaum
Mayor

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CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
April 16, 2014

1. CALL TO ORDER AND ROLL CALL – 6:00 PM

Mayor Appelbaum called the regular April 16, 2014 City Council meeting to order at 6:00 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Cowles, Karakehian, Morzel, Plass, Shoemaker, Weaver and Young. Council Member Jones was absent.

Mayor Appelbaum moved, seconded by Council Member Plass, to amend the agenda to add Item 6A to the agenda. The motion carried 8:0, with Council Member Jones absent. Vote taken at 6:02 PM.

A. SCIENCE TUESDAY PRESENTATION BY UNIVERSITY OF COLORADO PHYSICIST STEVEN POLLOCK, “LEARNING ABOUT LEARNING: PHYSICS EDUCATION RESEARCH IN ACTION”

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:40 PM

1. Scott Thomas – Spoke about the occupancy limits that were currently in place and recommended allowing co-op housing.
2. Jay Weinberg – Spoke in support of the occupancy limits in place and the benefits to the city and its residents.
3. Nancy Iverson – Spoke in opposition to the ordinances passed on March 18th related to camping and staying on medians.
4. Darren O’Connor – Also spoke in opposition to the ordinances passed related to camping and staying on medians.
5. Mike Barrow – Spoke about an app available for smart phones that gave real time information on trails based on user input of information. He noted that the app was dependent on a database running on the back end.
6. Monique Cole – Spoke in support of the occupancy limits in place and encouraged Council to consider other options to resolve the housing and rental shortage in Boulder.
7. Mary Anne Righi – Spoke about her experience of being homeless in Boulder County and the steps she had taken to work toward being accepted in the affordable housing program for senior citizens.

8. Eric Neckel – Spoke about his experience at the City Council Meeting on April 1, 2014 and against government in general.
9. Steven Walsh – Spoke in support of affordable housing initiatives, but expressed concern about doing away with occupancy limits completely.
10. Kimman Harmon – Spoke in support of the occupancy limits currently in place and asked Council to consider the ramifications of lifting or raising them. She commented that the University of Colorado should take responsibility for their rising number of students.
11. Robert Pierce – Spoke about deaths that occurred recently in Boulder and his belief that the deaths were linked to sandwiches purchased at a specific location.
12. Kathleen Adair – Spoke as a resident of Martin Acres concerned about the possibility Council may lift the occupancy limits that were in place.
13. Bennett Scharf – Spoke as the president of the Martin Acres Neighborhood Association concerned about the impacts of lifting the occupancy limits that were in place.
14. Mike Marsh – Spoke about the problem with rental and affordable housing, he agreed that the University of Colorado should be responsible for ensuring there is adequate housing for the students the organization serve.
15. Evie Cohen – Spoke as a real estate agent concerned about affordable housing for seniors and expressed support for cooperative housing arrangements.
16. Dorothy Cohen – Spoke about her experience living near Brookside Apartments and the problems created by the students living there.
17. Shawn Coleman – Spoke about the proposed changes to the medical and recreational marijuana code and how wholesale pricing of goods moving between dispensaries worked. He also discussed merchandising restrictions related to packaging.
18. Doug Millar – Spoke about information he had on the Jon Benet Ramsay case.
19. James Illg – Spoke on behalf of FIDOS (Friends of Dogs on Open Space) and expressed his gratitude to the Council for their hard work on the “Voice and Sight” ordinance.
20. Sarah Haynes – Spoke as a renter not complying with the occupancy limits that were in place and asking Council to consider making changes to those occupancy limits to allow for cooperative housing.

City Manager Jane Brautigam commented that the city was continuing forward with the Housing First initiative.

3. CONSENT AGENDA - 7:26 PM

- A. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING TITLE 11, "UTILITIES AND AIRPORT," B.R.C. 1981, BY THE ADDITION OF A NEW CHAPTER 7, "LIGHT AND POWER UTILITY;" AND AMENDING CHAPTER 2-3, "BOARDS AND COMMISSIONS," B.R.C. 1981, BY THE ADDITION OF A NEW SECTION RELATED TO THE CREATION OF AN ELECTRIC UTILITY BOARD AND SETTING FORTH RELATED DETAILS**
- B. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING CHAPTER 6-14, "MEDICAL MARIJUANA," B.R.C. 1981, AND CHAPTER 6-16, "RECREATIONAL MARIJUANA," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS**
- C. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING SECTION 9-6-5, "TEMPORARY LODGING, DINING ENTERTAINMENT, AND CULTURAL USES," B.R.C. 1981, BY INCREASING THE NUMBER OF MOBILE FOOD VEHICLES ALLOWED ON PRIVATE PROPERTY IN DESIGNATED ZONE DISTRICTS AND SETTING FORTH RELATED DETAILS**

Council Member Morzel moved, seconded by Council Member Plass, to approve Consent Agenda items 3A through 3C. The motion carried 8:0, with Council Member Jones absent. Vote was taken at 7:31 PM.

4. POTENTIAL CALL- UP CHECK IN

No interest was expressed in calling-up items 8A1-6.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

- A. CONTINUATION OF SECOND READING, AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7967 AMENDING SECTIONS 4-20-60, "VOICE AND SIGHT CONTROL EVIDENCE TAG FEES," 6-1-16, "DOGS RUNNING AT LARGE PROHIBITED," 6-13-2, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIRED," 6-13-4, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIREMENTS," AND 6-13-5, "SUSPENSION AND REINSTATEMENT OF VOICE AND SIGHT CONTROL EVIDENCE TAGS UPON VIOLATIONS," AND ADDING A NEW SECTION 6-13-4.5, "TERMS OF VOICE AND SIGHT CONTROL EVIDENCE TAG," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS**

City Attorney Tom Carr presented on this item and reviewed the changes Council directed staff to make at the April 1, 2014 meeting. He noted that a third reading would be required due to the substantive changes.

The public hearing on this item was closed at the April 1, 2014 regular meeting of City Council.

Council Member Weaver moved, seconded by Council Member Young, to approve Ordinance No. 7967 as amended on April 1, 2014, amending Sections 4-20-60, "Voice and Sight Control Evidence Tag Fees," 6-1-16, "Dogs Running at Large Prohibited," 6-13-2, "Voice and Sight Control Evidence Tag Required," 6-13-4, "Voice and Sight Control Evidence Tag Requirements," and 6-13-5, "Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations," and adding a new Section 6-13-4.5, "Terms of Voice and Sight Control Evidence Tag," B.R.C. 1981, and setting forth related details,

and;

To to direct staff to implement Items 1-5 of Attachment C regarding changes to the Voice and Sight Program. The motion carried 8:0, with Council Member Jones absent. Vote taken at 7:39 PM.

B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7968 AMENDING CHAPTER 13-2, "CAMPAIGN FINANCING DISCLOSURE," B.R.C. 1981 INCLUDING MODIFYING THE FINANCIAL REPORTING REQUIREMENTS, ADDING ADDITIONAL REPORTING REQUIREMENTS FOR CITY COUNCIL MEMBERS AND SETTING FORTH REPORTING PERIODS AND SETTING FORTH RELATED DETAILS

City Attorney Tom Carr presented on this item.

Mr. Carr requested Council direction regarding the following:

1. Reporting Values
2. Other Household Income
3. "Controlling Interest"
4. Reporting Mutual Funds
5. Reporting Indirect Interests
6. Reporting Interest of Third Parties

The public hearing was opened at 7:49 PM, there being no speakers present, the public hearing was closed.

Reporting Values

Council Member Cowles agreed with previous comments made by Council Member Shoemaker that requiring disclosure of income and employment can cause unintended consequences to the employee and employer. He also expressed concern regarding judgment from the community regarding how much or how little one made.

Council Member Shoemaker responded that Council Members should police themselves and know when there was a conflict of interest.

Council Member Weaver noted that the requested information requested was confined to the items Council chose to require of one another and there may still be other information that could cause a conflict of interest and he would expect his colleagues to recuse themselves as necessary.

Council Member Plass suggested having two layers, one that was used to disclose specific information to the public and the other to determine where there may be conflicts of interest.

Council consensus was to make no changes to this item in the proposed ordinance.

Other Household Income

Mayor Appelbaum noted that the proposed ordinance would require disclosure of other household income claimed on a tax return and a partner's income if the tax return was filed jointly.

Council Member Morzel wondered if this would include income that persons under the age eighteen contributed to the household.

Mr. Carr responded that under the definition of household it would not because it only relates to those persons that are married, formed a civil union or had a domestic partnership.

Council agreed that the definition of "household" would include relationships where there is a marriage, civil union or domestic partnership.

"Controlling Interest"

Council Member Young pointed out that the \$1,000 threshold may not encompass all situations where one held more than a 50 percent controlling interest.

Mayor Appelbaum pointed out that business interests in general were a requirement, income over \$1,000 was required, but this item specifically referred to indirect interests where the person is not the owner of record.

Mr. Carr responded that in those situations, if the interest was over 50 percent, then the Council Member would be required to report it.

Council Member Morzel suggested requiring that any interest be disclosed.

Mr. Carr responded that there was no definition in the code for "controlling interest" and Council could certainly direct staff to require all interests be disclosed. He noted that there were often times when there was financial interest, but not controlling interest. Controlling interest would mean that the person made decisions related to the investment.

Council Member Weaver agreed with Council Member Young that 50 percent interest was not the right number.

Mr. Carr responded that he would not recommend removing the requirement. He suggested Council choose a threshold for the percent of owned interest in an investment.

Mayor Appelbaum wondered how Council Members would know what percentage of interest was held if they were removed from the decision making process.

Mr. Carr pointed out that the ordinance only required the Council to report on information known to them.

Council Member Shoemaker stated that it would not be difficult to find out if an investment entity held any property or interest in Boulder County. He also pointed out that there was a difference between how much the entity itself owned versus how much the investor owned.

Council Member Young suggested a threshold of 1 percent related to holdings within the boundaries of the Boulder Valley Comprehensive Plan.

Council Member Weaver noted that the only requirement was to list the company and not the amount or percentage of interest in the investment.

Council Member Shoemaker suggested 10 percent interest in a company doing business in Boulder County or if the entity is more than 50 percent invested in Boulder County real estate, the name of the company would be disclosed and the properties listed.

Mayor Appelbaum pointed out that if an investment was not disclosed and caused a conflict of interest it would be disclosed at the time it became an issue.

Council agreed to Council Member Shoemaker's suggestion that if the Council Member had more than a 10 percent interest in a company doing business in Boulder County or held an investment that had more than 50 percent of its holdings in the Boulder County Comprehensive Plan area the name and holdings of the company would be disclosed.

Reporting Mutual Funds

Mayor Appelbaum stated that he had requested discussion of this item because he wanted clarity around realized and unrealized capital gains.

Council Member Weaver asked whether the mutual fund had to be publicly traded or not.

Mayor Appelbaum responded that was up for discussion.

Council agreed that the same requirements under "controlling interest" would apply to reporting of mutual funds.

Reporting Indirect Interests

Council agreed that the same requirements under “controlling interest” would apply to reporting indirect interests.

Reporting Interest of Third Parties

Mayor Appelbaum clarified that this question referred to whether or not to require reporting of all partners involved in the interest.

Council chose not to require partners to be disclosed in financial reporting and Council would be required to disclose any conflicts of interest.

Mr. Carr advised Council on the definition of financial interest and its importance to the ordinance. He also advised Council that their financial reporting was due the day prior.

Council Member Plass moved, seconded by Council Member Weaver, to continue Ordinance No. 7968 amending Chapter 13-2, “Campaign Financing Disclosure,” B.R.C. 1981, including modifying the financial reporting requirements for City Council Members and setting forth reporting periods and setting forth related details to May 6, 2014 under public hearings with a note stating the public hearing was closed. The motion carried 8:0, with Council Member Jones absent. Vote taken at 8:40 PM.

6. MATTERS FROM THE CITY MANAGER - 8:40 PM

A. CONSIDERATION OF A MOTION TO DIRECT THE CITY MANAGER REGARDING OPEN SPACE & MOUNTAIN PARKS UPCOMING BOND ISSUE

City Manager Jane Brautigam presented on this item.

Council directed city staff to utilize the competitive method for the upcoming Open Space bond issuance.

7. MATTERS FROM THE CITY ATTORNEY - None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. POTENTIAL CALL-UPS – 8:54 PM

1. THREE NPP EXPANSIONS (IN EAST RIDGE/PENNSYLVANIA, MAPLETON AND WHITTIER ZONES)

2. VACATION OF A UTILITY EASEMENT AT 825 CIRCLE DRIVE

3. Landmark Alteration Certificate for 1116 Maxwell Avenue Information Packet Date: April 16 Last opportunity for call-up: April 16

4. **Use Review Application for the Family Learning Center at 3164 34th Street**
Information Packet Date: April 16 Last opportunity for call-up: April 16
5. **USE REVIEW APPLICATION FOR AN 11-SPACE PARKING LOT AT 2360 GROVE STREET**
6. **AMENDING SITE AND USE REVIEW APPROVALS OF THE WASHINGTON VILLAGE PROJECT**

No interest was expressed in calling up items 8A-1 thru 6.

B. DISCUSSION AND CONSIDERATION OF A RESPONSE TO THE LETTER TO CITY COUNCIL FROM JEFFERSON COUNTY COMMISSIONERS EXPRESSING CONCERNS OVER COMMENTS MADE AT A RECENT MEETING OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS

Policy Advisor Carl Castillo presented on this item and provided history on the topic for new Council Members.

Council provided direction regarding the content of the response to Jefferson County and directed staff to make changes and send the letter.

9. **PUBLIC COMMENT ON MATTERS** – 9:23 PM - None.
10. **FINAL DECISIONS ON MATTERS** – 9:24 PM - None.
11. **DEBRIEF** – 9:24 PM

Council Member Cowles commented on how well the meeting was run and thanked fellow Council Members for their hard work.

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on April 16, 2014 at 9:26 PM.

Approved this ___ day of _____, 2014.

APPROVED BY:

ATTEST:

Alisa D. Lewis
City Clerk

Matthew Appelbaum
Mayor



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, an ordinance approving supplemental appropriations to the 2014 Budget.

PRESENTERS:

Jane S. Brautigam, City Manager
Bob Eichen, Chief Financial Officer
Peggy Bunzli, Budget Officer
Elena Lazarevska, Senior Financial Analyst

EXECUTIVE SUMMARY

As described in the “*Budget Philosophy and Process*” section of the annual budget document, each year two supplemental ordinances are presented to City Council for review and approval. Council receives the first ordinance, the **Carryover and First Budget Supplemental**, in April/May. Council receives the second ordinance, **the Second and Final Budget Supplemental**, in November/December. In this memo and in common usage in city meetings, the April/May and November/December budget supplementals are also referred to as the **First Adjustment to Base** and **Second Adjustment to Base**, respectively. The current year’s council-approved budget is the “base” in the term Adjustment to Base (ATB).

The supplemental ordinances adjust only the current year budget and are considered “one-time” adjustments. As a result, they have no direct or immediate impact on the following year’s budget. In contrast, the city assigns budget requests with “ongoing” or multi-year impacts only to the annual budget process (budget planning for the coming fiscal year) and not to either budget supplemental. This packet includes budget supplemental “one-time” line items that represent the following two categories of budget supplemental requests:

- Carryover of 2013 budgeted amounts, not fully expended, and
- New budgeted amounts for 2014.

Ordinance No. 7944 appropriating the 2014 budget included estimates of the carryover into 2014. This packet also includes negative appropriations that remove those estimates and replace them with the revised amounts of funds to be carried over, as noted above.

A proposed ordinance is provided as **Attachment A** to this packet. Detailed narrative information on each new budget supplemental request is included in **Attachment B**.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to introduce and order published by title only an ordinance approving supplemental appropriations to the 2014 Budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental ordinance appropriates funding for a variety of citywide projects and services that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- **Fiscal:** In the **General Fund** this ordinance will appropriate \$761,478 from additional revenue, \$5,000 from fund balance reserves, and \$5,509,109 from fund balance. The ordinance also includes encumbrance carryover of \$1,658,439 from fund balance.

In **restricted funds**, this ordinance will appropriate \$16,822,924 from additional revenue and \$78,046,073 from fund balance. It also includes encumbrance carryover of \$3,004,655 from additional revenue and encumbrance carryover of \$20,407,444 from fund balance, as well as an increase in revenue only of \$1,307,045.

- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

This section will provide details of how carryover and new budget requests, the two categories of requests contained in the supplemental ordinances, function in the city annual budget cycle.

Carryover Requests

Carryover requests are typically for projects or grant-funded programs where funding was appropriated in a previous year and then carried forward until the project or the grant-funded program is completed. Occasionally, departments request to carryover budget savings from the previous year in order to accumulate an adequate amount of funding for a large, one-time project.

Revenue to fund the unspent projects, or for large, one-time projects, will have fallen to fund balance at the end of the year. Due to accounting requirements, expenditures and revenues for a grant must equal each other within the same fiscal year. Any prior year grant revenue received above expenditure amounts has been deferred to the current year and is considered “additional revenue” in the current year.

Encumbrance carryover is simply appropriation for a project or grant that has been encumbered through a purchase order.

The following requests provide typical examples of General Fund carryover requests:

- Finance and HR/payroll system replacement
- Court Software Upgrade
- Flexible Rebate Program

The following requests provide typical examples of restricted fund carryover requests:

- Landlink Replacement Project
- Memorial Donations and Bequest Programs
- Boulder Reservoir Site Plan

New Budget Requests

Requests for new budget appropriation are typically based on a department’s Master Plan or have gone through a separate City Council review process. Funding may come from fund balance, for example if savings have been built up for large projects or revenues received in advance of the expenditure being needed. Or, appropriation may be requested for initiatives associated with new sources of revenues, such as grant or bond funding.

The following requests provide typical examples of supplemental appropriations from fund balance:

- Flood Recovery expenses (General Fund)
- State Historic Tax Credit (Planning and Development Services Fund)
- Waterline Replacement (Water Utility Fund)

The following requests provide typical examples of supplemental appropriations from additional revenue:

- Resiliency Grant (General Fund)

- Valmont Bike Park Cyclocross revenue
- CDOT grants

Additional Information on Selected Adjustment to Base Requests

Flood Related Requests

The adjustment to base includes requests for supplemental appropriations related to the flood recovery efforts. In the General Fund, a total of \$571,269 is requested to fund consulting work related to FEMA reimbursements and appeals, as well as fund fixed-term positions for flood coordination efforts. The city expects reimbursement for most of these expenses. In addition, \$1,000,000 is requested in the Open Space Fund for repair and reconstruction. Finally, an additional fixed-term position is requested to be split among Water (\$12,500), Wastewater (\$12,500) and Stormwater (\$25,000) funds.

The city has received over \$2.7 million from its insurance carriers for flood damage and revenue loss. Insurance proceeds will be applied to replenish budgets and reserves used for flood recovery. While replenishment of reserves will be seamless, with the receipt of revenue, replenishment of budgets will require supplemental appropriations. Staff is currently compiling the information related to damage covered by insurance and will bring back additional supplemental requests to council in the next few months. Insurance related supplemental are not included in this packet.

Parks and Recreation Park Maintenance and Operations Request

As part of the Boulder Parks and Recreation Department’s (BPRD) 2013 Master Plan update process, the theme of “taking care of what we have” emerged as a basis for future actions and decision-making. The department is therefore shifting to a practice where available funding is focused on the operations and maintenance of existing parks and facilities. Allocating limited resources (personnel and funding) for the maintenance of existing infrastructure will ensure the long-term viability of the BPRD for the future. An internal analysis of park operations and maintenance identified the need to shift resources to a “Zone Management” approach to improve maintenance standards, build staff ownership and responsibility towards management zones and to increase community engagement practices. The financial strategies outlined in the Master Plan (pages 76-78) recommended increasing O&M funding by \$1.1 million. In line with this recommendation, this adjustment to base provides funding that will be utilized to immediately implement critical components of the plan including funding for resources to tackle deferred maintenance and improve/increase service standards. Additional needs that will be met by this request include:

- Implement an organizational structure and provide adequate staffing (add 4 FTE ongoing and repurpose two existing position) to improve the effectiveness and service delivery of supervisors and maintenance positions supporting the day-to-day safety, integrity and function of our system (as established in maintenance standards)
- Create “working” supervisor positions to serve as Assistant Managers of Operations for zones and sites. This will ensure core and technical competencies

are represented, oversight of day-to-day maintenance operations, and supervision of all seasonal and volunteer personnel

- Identify types of maintenance needs in parks, recreation facilities, natural lands and trails managed by BPRD via maintenance standards. BPRD is engaging a consultant to develop a Maintenance Management Plan (MMP), in an effort to sustain acceptable maintenance standards and verify needed resources (one-time request of \$75K for consultant)
- Improve communications, clarify expectations, improve accountability using outcome-based performance measures that allow various levels of service to be provided based on community input and priorities
- Establish dedicated Asset Management function to include broader oversight of systems and strategic data management, data analysis, and reporting.

Parking Land Code Update

The adjustment to base packet includes request for funding for land use code update. These funds will be used for consulting services to update the city's parking regulations. As part of the Access and Parking Management Strategy (AMPS) project, changes to the city parking requirements are being considered by staff as short and long term updates. Examples of short term changes include revised parking requirements for warehouses and airplane hangers, updates to maintain compliance with ADA regulations, exploration of restaurant and retail parking requirements, new bike parking standards, as well as other identified necessary "quick fixes."

Long term code changes include consideration of parking maximums in addition to parking minimums, shared parking requirements, car charging station requirements, special parking requirements along transit corridors and focusing on land use category rather than zoning district to determine the parking requirements.

A study session on the AMPS project will be held with City Council on June 10th.

Overview of Total Requests

A summary table of the carryover and supplemental requests by fund can be found in **Attachment C**.

In total, the city recommends \$126,215,123 in appropriations, of which \$20,589,057 come from new revenues and \$105,626,065 from fund balance. Most of the appropriations (\$118,281,096 or 94% of the total) are in the city's restricted funds, such as the 2011 Capital Improvement Fund, Affordable Housing Fund, Transportation Fund and Utilities funds. These funds often have multi-year large capital projects that, depending on the timing of the project work, are likely to have capital budget carryover. For example, almost \$34 million is being carried over in the Capital Improvement Fund, which accounts for the \$49 million capital bond approved by the voters in November of 2011. Most of the projects being funded from this bond are well underway and will be completed either in 2014 or by the first quarter of 2015. Another example is the nearly \$20 million being carried over for Water, Wastewater and Stormwater and Flood Management capital projects.

The negative appropriations to remove the estimated carryover amounts from the initial 2014 budget appropriations ordinance, noted above, total \$82,383,419.

Attachment D is a schedule reflecting the impact of the supplemental appropriations for 2014 on the projected fund balance for each fund.

The second reading of this item is scheduled for the June 3 City Council meeting.

ATTACHMENTS

- A. Proposed Ordinance containing supplemental appropriations to the 2014 Budget
- B. Narrative descriptions of all supplemental appropriations to the 2014 Budget by fund
- C. Table of all carryovers and supplemental appropriations to the 2014 Budget by fund
- D. 2014 Fund Activity Summary

ORDINANCE NO. 7972

AN ORDINANCE RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER, COLORADO, MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014 SETTING FORTH DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Section 102 of the Charter of the City of Boulder provides that: "At any time after the passage of the annual appropriation ordinance and after at least one week's public notice, the council may transfer unused balances appropriated for one purpose to another purpose, and may by ordinance appropriate available revenues not included in the annual budget;" and

WHEREAS, the City Council now desires to make certain supplemental appropriations for purposes not provided for in the 2014 annual budget; and,

WHEREAS, required public notice has been given;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, that the following amounts are appropriated from additional projected revenues and from unused fund balances to the listed funds:

Section 1. General Fund

Appropriation from Fund Balance – Encumbrance	\$1,658,439
Appropriation from Fund Balance	\$5,514,109
Appropriation from Additional Revenue	\$761,478
Negative Appropriation - Ordinance #7944	(\$3,000,000)

Section 2. Capital Development Fund

Appropriation from Fund Balance – Encumbrance	\$1,561
Appropriation from Fund Balance	\$110,000
Negative Appropriation - Ordinance #7944	(\$90,000)

Section 3. Lottery Fund

Appropriation from Fund Balance – Encumbrance	\$146,347
Appropriation from Additional Revenue	\$912,599
Negative Appropriation - Ordinance #7944	(\$670,000)

Section 4. Planning & Development Services Fund

Appropriation from Fund Balance – Encumbrance	\$179,220
Appropriation from Fund Balance	\$573,123
Appropriation from Additional Revenue	\$120,000
Negative Appropriation - Ordinance #7944	(\$1,000,000)

Section 5. Affordable Housing Fund

Appropriation from Fund Balance – Encumbrance	\$1,525
Appropriation from Fund Balance	\$12,660,014
Negative Appropriation - Ordinance #7944	(\$11,000,000)

Section 6. Community Housing Assistance Program Fund

Appropriation from Fund Balance	\$2,009,913
Negative Appropriation - Ordinance #7944	(\$2,000,000)

Section 7. .25 Cent Sales Tax Fund

Appropriation from Fund Balance – Encumbrance	\$1,051,803
Appropriation from Fund Balance	\$1,572,671
Appropriation from Additional Revenue	\$98,922
Increase in Revenue Only	\$85,214
Negative Appropriation - Ordinance #7944	(\$400,000)

Section 8. Library Fund

Appropriation from Fund Balance – Encumbrance	\$48,156
Appropriation from Fund Balance	\$1,764,731
Appropriation from Additional Revenue	\$19,238

Section 9. Recreation Activity Fund

Appropriation from Fund Balance	\$200
Appropriation from Additional Revenue	\$70,425

Section 10. Climate Action Plan Fund

Appropriation from Fund Balance - Encumbrance	\$290,942
Appropriation from Fund Balance	\$582,490
Negative Appropriation - Ordinance #7944	(\$700,000)

Section 11. Open Space Fund

Appropriation from Fund Balance - Encumbrance	\$907,769
Appropriation from Fund Balance	\$3,778,008

Section 12. Airport Fund

Negative Appropriation - Ordinance #7944	(\$250,000)
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Section 13. Transportation Fund

Appropriation from Fund Balance – Encumbrance	\$2,843,187
Appropriation from Additional Revenue – Encumbrance	\$3,004,655
Appropriation from Fund Balance	\$4,138,290
Appropriation from Additional Revenue	\$12,623,537
Increase in Revenue Only	\$561,386
Negative Appropriation - Ordinance #7944	(\$9,500,000)

Section 14. Transportation Development Fund

Appropriation from Fund Balance - Encumbrance	\$108,573
Appropriation from Fund Balance	\$1,082,790
Negative Appropriation - Ordinance #7944	(\$1,900,000)

Section 15. Community Development Block Grant Fund

Appropriation from Additional Revenue	\$961,074
Negative Appropriation - Ordinance #7944	(\$800,000)

Section 16. HOME Fund

Appropriation from Additional Revenue	\$1,554,916
Negative Appropriation - Ordinance #7944	(\$700,000)

Section 17. Permanent Parks and Recreation Fund

Appropriation from Fund Balance – Encumbrance	\$32,226
Appropriation from Additional Revenue	\$1,697,702
Increase in Revenue Only	\$110,496
Negative Appropriation - Ordinance #7944	(\$1,000,000)

Section 18. Fire Training Center Construction Fund

Appropriation from Fund Balance	\$42,351
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Section 19. Boulder Junction Improvement Fund

Appropriation from Fund Balance – Encumbrance	\$645,274
Appropriation from Fund Balance	\$1,067,853
Appropriation from Additional Revenue	\$59,210
Negative Appropriation - Ordinance #7944	(\$600,000)

Section 20. 2011 Capital Improvement Fund

Appropriation from Fund Balance – Encumbrance	\$8,328,553
Appropriation from Fund Balance	\$25,371,716
Negative Appropriation - Ordinance #7944	(\$21,473,419)

Section 21. Water Utility Fund

Appropriation from Fund Balance – Encumbrance	\$1,119,084
Appropriation from Fund Balance	\$4,381,988
Increase in Revenue Only	\$300,000
Negative Appropriation - Ordinance #7944	(\$3,500,000)

Section 22. Wastewater Utility Fund

Appropriation from Fund Balance – Encumbrance	\$651,553
Appropriation from Fund Balance	\$1,599,491
Appropriation from Additional Revenue	\$1,525
Increase in Revenue only	\$200,000
Negative Appropriation - Ordinance #7944	(\$1,500,000)

Section 23. Stormwater/Flood Management Utility Fund

Appropriation from Fund Balance – Encumbrance	\$2,139,275
Appropriation from Fund Balance	\$7,920,106
Appropriation from Additional Revenue	\$900,000
Increase in Revenue Only	\$49,950
Negative Appropriation - Ordinance #7944	(\$9,600,000)

Section 24. Telecommunications Fund

Appropriation from Fund Balance – Encumbrance	\$3,756
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Section 25. Workers Compensation Insurance Fund

Appropriation from Fund Balance – Encumbrance	\$541
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Section 26. Fleet Replacement Fund

Appropriation from Fund Balance – Encumbrance	\$751,878
Negative Appropriation - Ordinance #7944	(\$5,000,000)

Section 27. Computer Replacement Fund

Appropriation from Fund Balance – Encumbrance	\$19,075
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Section 28. Equipment Replacement Fund

Negative Appropriation - Ordinance #7944	(\$700,000)
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Section 29. Facility Renovation and Replacement Fund

Appropriation from Fund Balance – Encumbrance	\$1,137,146
Appropriation from Fund Balance	\$6,780,039
Appropriation from Additional Revenue	\$414,077
Negative Appropriation - Ordinance #7944	(\$7,000,000)

Section 30. The City Council finds that this ordinance is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of local concern.

Section 31. If any part or parts hereof are for any reason held to be invalid, such shall not affect the remaining portion of this ordinance.

Section 32. The Council deems it appropriate that this ordinance be published by title only and order that copies of this ordinance be made available in the Office of the City Clerk for public inspection and acquisition.

INTRODUCED, READ, ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY this 6th day of May, 2014.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE this 3rd day of June, 2014.

Mayor

Attest:

City Clerk

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**DEFINITIONS AND REQUEST NARRATIVE
CARRYOVER AND 1ST BUDGET SUPPLEMENTAL OF 2014**

DEFINITIONS

Budget Carryovers

Encumbrance Carryover from Additional Revenue or Fund Balance

Encumbrances carryovers are appropriations committed by contract for goods or services in the prior year that will not be paid for until the current year. Both the encumbrance (balance in the purchase order), and the budget to cover the encumbrance roll automatically into the current year. It is necessary, however, to “re-appropriate” these dollars by ordinance. If an encumbrance is tied to a grant, the appropriation will come from additional revenue because of an accounting requirement that expenditures and revenues in grants be equal within the same fiscal year. If the encumbrance is not tied to a grant, the appropriation will come from fund balance.

Capital Project Carryover from Additional Revenue or Fund Balance

This action appropriates remaining balances in capital project budgets from the previous year, to enable the completion of multi-year projects that involve the purchase or construction of capital assets.

Grant Carryover from Additional Revenue

This action appropriates remaining balances in grants from the previous year. This appropriation comes from additional revenue because of an accounting requirement that expenditures and revenues in grants be equal within the same fiscal year.

Operating Carryover from Fund Balance

These appropriations are requested to be carried over from a department’s operating budget and occur less frequently since each department receives a new operating budget each year. When they are requested, however, they are typically tied to operating programs or projects that are multi-year in nature (e.g., updating of a department’s master plan). Occasionally, departments request to carryover budget savings from the previous year in order to accumulate an adequate amount of funding for a large, one-time project.

Operating Carryover from Fund Balance Reserve

Similarly to Operating Carryover from Fund Balance, these requests are tied to unexpended fund balances that have been previously set aside for specific purposes.

Budget Supplementals

Budget Supplemental from Fund Balance

Adjustments for new appropriation from a specific fund's available fund balance.

Budget Supplemental from Fund Balance Reserve

Adjustments for new appropriation from a specific fund's available fund balance where use is limited for specific purposes, typically due to legal restrictions or management assignment.

Budget Supplemental from Additional Revenue

Grants – Budget supplementals from grant revenues are required throughout the year since either the grant was not anticipated and was therefore not incorporated into the original budget, or because the grant amount actually received was more than the amount specified in the original budget.

Miscellaneous – This category includes annual unanticipated funds received for city programs and services, including items such as donations, fundraisers, wildland fire costs or cooperative agreements between municipalities. In addition, beginning in 2007, reimbursements for some services (e.g. insurance proceeds, off-duty police officer services, city-sponsored training programs) are now officially recognized as miscellaneous revenues instead of reducing expenditures. Best practices accounting and reporting standards require these revenues to be reflected through the formal appropriation process.

Transfers to/from Other Funds

Transfers between funds requiring City Council approval.

Budget Adjustments Necessitated by Accounting Requirements

Adjustments required based on generally accepted accounting and reporting requirements that occur during the final adjustments to base.

Negative Appropriations

Adjustments reducing approved appropriations based on identified reductions in revenue sources (e.g. grant funding reductions).

BUDGET SUPPLEMENTAL DETAILS BY FUND**GENERAL FUND****Budget Supplemental(s) from Fund Balance**City Manager's Office – Federal and Local Lobbying – \$35,000

This request is to appropriate additional funds to local lobbying consultant Headwaters Strategies, and to Smith, Dawson, and Andrews, the city's Federal lobbying consultant. During the 2014 budget review it was determined that the \$39,000 of funding appropriated for lobbying efforts would have a greater outcome for the city if it were applied to local lobbying efforts with Headwaters Strategies vs. with our Federal Lobbying consultant Smith, Dawson and Andrews. It was determined as part of the 2013 Flood Recovery, that assistance of the Federal Lobbyist in securing support and funding for flood recovery was needed. To fund both local and federal consultants for 2014, an additional \$35,000 is required.

Downtown and University Hill Management District – University Hill – \$121,014

This request is for funding needed in 2014 for start-up operations of the University Hill Residential Service District in the amount of \$47,500 and programming in the district in the amount of \$20,000. The remainder of the funding will be used for a University Hill Community Development Coordinator in support of University Hill improvements.

City Manager's Office – Flood Recovery Contract – \$353,000

This request is to cover the remainder of expenditures for CDR Maguire, FEMA consultants.

City Manager's Office – Flood Recovery Contract – \$50,000

This request is to cover the flood expenditures related to FEMA appeals.

Finance – Flood Recovery Fixed-Term Positions – \$123,270

This is a request to appropriate funds for two positions: Grant Writer and Special Assistant for a seven month period. These positions will provide support to the city's flood recovery efforts, ensure the city is seeking appropriate grant funding, and provide coordination with the Federal Emergency Management Agency.

Library and Arts – Arts Community Cultural Plan – \$125,000

This request is to provide an update to the Community Cultural Plan.

Police – Code Enforcement and Administration I Positions for Bear/Trash Ordinance – \$56,010

This is a request to fund a workstation and monitors for \$1,000; salary and benefits for an Administrative I position at seven months (June– December) for \$23,462; salary and

benefits for a Code Enforcement Officer position for seven months (June– December) for \$31,548. These positions would be used to enforce and provide support staff for the new Bear/Trash ordinance to ensure compliance on trash in areas where bears have become a problem.

Police – Municipal Campus Police Overtime – \$50,000

This request will fund additional Police patrols of the Municipal Campus. The City Manager’s Office awarded the department \$50,000 for overtime in 2013 to police the municipal campus. The department is requesting \$50,000 for 2014 to provide overtime to maintain their presence on the campus.

Human Services – Flood Recovery Case Management Position – \$45,000

This is a request to appropriate funds for partial compensation of a Flood Recovery Case Management Supervisor to serve the residents of Boulder. This position will be hired by United Way and work out of the United Way’s flood recovery office on Walnut Street. This position will be working with City of Boulder residents only. The position is funded as one-time (only for 2014) from vacancy savings in the department. The position is to help get the backlog of cases connected to resources for city of Boulder residents. Boulder County and the City of Longmont are also providing funding for case management for their respective areas.

CP&S – Renewable Energy Program Grants – \$159,864

This is a request to appropriate the 2013 sales and use tax revenues that have not yet been distributed in Solar Grants (\$33,980.22), carryover 2013 unused grant money (\$91,628.68) and unused 2011 Solar Rebates (\$34,255.48) which are awarded to low income housing residents and non-profit organizations located in Boulder. The revenues for this fund come from a portion of the sales and use tax collected on solar permits, solar equipment, and solar installations completed in the City of Boulder.

CP&S – Renewable Energy Program 2013 Rebates – \$17,408

This is a request to appropriate 2013 revenue that was received from a portion of the sales and use tax collected on solar permits, solar equipment, and solar installations completed in the City of Boulder. Staff uses this funding to rebate a portion of the sales and use tax back to the customer.

Budget Supplemental(s) from Fund Balance Reserves

CP&S – Climate Commitment – \$5,000

This is a request to appropriate unspent reserve funds for the Climate Commitment Project. In 2013, \$58,700 from the previously designated .15 sales tax fund balance (environmental) was appropriated to support climate commitment which is the city’s next generation of climate action initiatives, including refining the structure and focus and quantifying overarching long-term goal(s) and focus area goals and community

engagement.

Budget Supplemental(s) from Additional Revenue – Miscellaneous

Human Resources – Medicare Refund Expenses – \$20,000

This request is for additional expenses related to the Medicare Reimbursement to eligible City employees and is offset by revenue received.

Fire – Hazardous Materials, County – \$29,899

This is a supplemental appropriation request from additional revenue. Payments are received from the Boulder County Sheriff per an intergovernmental agreement, under which Fire Department's Hazardous Materials Team responds to hazmat emergencies occurring in Boulder County.

Fire – AMR Computer Software Use – \$4,894

This is a supplemental appropriation request from additional revenue. Payments are received from American Medical Response, the City's ambulance transport provider, for use of Fire Department owned software during training sessions conducted by AMR personnel for Fire Department personnel per the contract between the City and AMR.

Human Services – Encore Program – \$7,000

This request will appropriate funds from anticipated revenue from Encore – a membership program serving Seniors to cover program costs.

Human Services – Silver Sneakers – \$50,000

This request will appropriate funds from anticipated revenue from Silver Sneakers – a wellness program serving Seniors to cover program costs.

Budget Supplemental(s) from Additional Revenue – Grants

City Manager's Office – Resiliency Grant – \$156,000

This is a request to appropriate funding from a grant from the Rockefeller Foundation to assist the City of Boulder in building its capacity to maintain and recover critical functions despite shocks and stresses so that the City's people, communities and systems can bounce back more quickly and emerge stronger from these shocks and stresses. The grant will be used to fund the position of Assistant City Manager for Resilience to serve as the Chief Resilience Officer ("CRO") for a period of two years. The responsibilities of the CRO will include driving the development and implementation of a resilience strategy for the city to coordinate services and technical support.

Police – International Crimes Against Children (ICAC) Grant – \$4,468

This request is for supplemental appropriation from anticipated revenue through the Colorado Springs Police Department from a flow-through grant from the U.S. Department of Justice. The ICAC grant will fund twenty hours of overtime for two

detectives (\$1,100), and travel, registration, and per diem for two Detectives to attend ICAC training in 2014 (\$3,368). The grant funds will be used to help prevent and reduce child pornography.

Police - VALE 2014 - \$46,520

This request is for supplemental appropriation from anticipated revenue from the Boulder County Twentieth Judicial District for the Victims Assistance and Law Enforcement (VALE) Grant. This grant will be used to pay 50% of the salary and benefits of the departments Victims Advocate Team Coordinator, the Police Department will provide the remaining 50% of the Victim Advocate Team Coordinators salary and benefits.

Human Services - 11/12 BVSD FRS Grant - \$92

This is a request to appropriate funds from the 2012 UHC rebate issued to the grant.

Human Services - FRS Fees & Contributions - \$8,000

This is a request to appropriate additional revenue to the program from afterschool classes and donations.

Human Services - 2014 Bldr Co Resource/Referral Grant - \$5,000

This request is to appropriate funds from the overall increase in grant funding from Boulder County for the Child Care Subsidy & Referral and Child Care Recruitment and Training Programs.

Human Services - 13/14 ECCBC Infant Toddler Quality Improvement & Availability Grant - \$22,500

This request is to appropriate funds from a new grant received in January 2014 to coordinate and implement coaching services for the Infant Toddler Quality Improvement and Availability project. The grant ends June 30, 2014.

Human Services - 13/14 ECCBC Infant Toddler Quality Improvement & Availability Grant - \$19,000

This request is to appropriate funds from a new award for continuation of the Infant Toddler Quality Improvement and Availability project. This is the full estimated award from July 2014 thru June 2015.

Human Services - 13/14 CCSR Qualistar - \$285

This request is to adjust appropriation to the final approved award amount.

Human Services - 11/12 BVSD Prevention & Intervention - \$12

This is a technical adjustment for a UHC rebate issued to the grant.

Human Services – CCRT Fees for Service – \$4,000

This is a request to appropriate program revenue and expense for delivery of child care provider testing.

Negative Adjustment(s) – Grants

Human Services – 2013/2014 BVSD Prevention and Intervention Grant – (\$4,500)

This adjustment corrects the appropriation to match actual grant award.

Human Services – 2014 Boulder County CCAP Provider Training Grant – \$(10,000)

This adjustment corrects the appropriation to match actual grant award.

CAPITAL DEVELOPMENT FUND

Budget Supplemental(s) from Fund Balance

Public Works – Renewable Energy – \$20,000

This is a request to appropriate funds to complete a study that identifies facilities that can increase its use of renewable energy.

PLANNING AND DEVELOPMENT SERVICES FUND

Budget Supplemental(s) from Fund Balance

Public Works–Development – Work Program/Staff Support – TBBI Implementation– \$33,000

This is a request to provide funding for financial staff training and backfill for the implementation of the Transforming Boulder Business Initiative (TBBI) project. This project includes the replacement of the city's finance and human resources/payroll systems while improving business processes.

Public Works–Development – Work Program/Staff Support – Building Construction – \$136,000

This is a request to provide funding for temporary staff/contract services to support increased activities in the building construction program and for consulting services related to the on-going implementation of the energy codes.

CP&S – Work Program/staff support – TBBI Implementation – \$17,000

This is a request to provide funding for financial staff training and backfill for the implementation of the Transforming Boulder Business Initiative (TBBI) project. This project includes the replacement of the city's finance and human resources/payroll systems while improving business processes.

CP&S – State Historic Tax Credit – \$11,153

This is a request to appropriate funds from the state historic tax credit fund to support various historic preservation projects in 2014. The State Historic Preservation Tax Credit Program encourages the rehabilitation and re-use of historic buildings. For properties

designated as local landmarks or as contributing buildings within an historic district, the available credit is 20 percent of rehabilitation costs up to \$50,000 per qualified property. The credit directly reduces (dollar for dollar) income taxes owed to the state, and can be carried forward for 10 years. The City of Boulder is a Certified Local Government and administers the State Tax Credit through the Historic Preservation Program.

CP&S – Annexation Project – \$51,640

This is a request to appropriate funds for the project management of the flood-related annexation project. This includes developing options and working with Area II property owners with wells and/or on-site wastewater systems to voluntarily annex and connect to city water and wastewater systems. The project area includes 167 properties.

CP&S – Comprehensive Housing Project – \$75,000

The is a request to appropriate funding for 50% of the costs for the project manager and consulting resources for development of the Comprehensive Housing Strategy, which is one of City Council's identified work plan priorities. The project is a joint project of the Community Planning and Sustainability Department and the Housing Division.

CP&S – Design Excellence Initiative – \$10,000

This is a request to appropriate funds to help support the development of design guidelines or other tools used to encourage design excellence as part of the development review process.

CP&S – Land Use Code Update – \$100,000

This is a request to appropriate funds for consulting services to update the city's parking regulations. As part of the Access and Parking Management Strategy (AMPS) project, changes to the city parking requirements are being considered by staff as short and long term updates. Examples of short term changes include revised parking requirements for warehouses and airplane hangers, updates to maintain compliance with ADA regulations, exploration of restaurant and retail parking requirements, new bike parking standards, as well as other identified necessary "quick fixes." Long term code changes include consideration of parking maximums in addition to parking minimums, shared parking requirements, car charging station requirements, special parking requirements along transit corridors and focusing on land use category rather than zoning district to determine the parking requirements.

CP&S – Growing up Boulder – \$20,000

This is a request to appropriate funds to further support Growing Up Boulder in 2014. Growing up Boulder is a partnership between the city, BVSD, and CU that seeks to promote youth participation in community planning, decision making and action. The program has engaged young people in the Civic Area planning process, Burke Park

planning, other community planning issues, and action teams focused on youth employment and youth friendly businesses, youth art and safe nightlife opportunities.

Budget Supplemental(s) from Additional Revenue

Public Works-Development – SmartRegs Program– \$45,000

As part of the adopted SmartRegs ordinance, a temporary position, which is 100% cost recovered through an investigative fee, was approved to specifically address the backlog of rental housing properties not currently licensed. This is a request to appropriate funds from additional revenue to support the temporary position in 2014.

CP&S – Eco-Districts – \$75,000

This is a request to appropriate \$75,000 that was received from the Urban Sustainability Directors Network to create an EcoDistricts Policy Toolkit and Training Module.

.25 CENT SALES TAX

Budget Supplemental(s) from Fund Balance

Parks and Recreation – Consultant for a Maintenance Management Plan – \$169,500

The request will provide \$75,000 for a consultant to develop a Maintenance Management Plan, which will help to maintain the safety, integrity and function of our ever-expanding park system. The remainder of the request includes funding for the operations and maintenance of existing parks and facilities. An internal analysis of park operations and maintenance identified the need to shift resources to a “Zone Management” approach to improve maintenance standards, build staff ownership and responsibility towards management zones and to increase community engagement practices.

Parks and Recreation – Forestry Tree Mitigation Proceeds – \$13,858

This request will provide funds for the Tree Protection and Mitigation Program. The program ensures that restitution is provided for the public trees removed or damaged through vehicular accidents, vandalism or construction projects. Funds are used primarily for tree planting, to enhance the forestry work plan, and to provide public education. These funds were received in 2013.

Budget Supplemental(s) from Additional Revenue

Parks and Recreation – Columbia Cemetery Donations – \$3,182

This request appropriates donations that were received in 2013. The funds will be utilized for the upkeep and maintenance at the Columbia Cemetery.

Parks and Recreation – Valmont Bike Park Donation – \$4,408

This request appropriates donations that will contribute to the costs associated with the development of the bike park at Valmont City Park.

Parks and Recreation – Valmont Bike Park National Cyclocross Event – \$80,000

This request is to appropriate funds from the 2014 National Cyclocross Race, which was held this year at the Valmont Bike Park. The total direct expenses related to hosting the event total \$140,000 across 2013/2014. This does not include indirect costs such as staff time, recovery costs, or capital costs associated with building the facility. The event brought in total revenue of \$165,624.

LIBRARY FUND

Budget Supplemental(s) from Additional Revenue

Library – Consortium – \$8,616

This request appropriates funding for the Overdrive service. The library has a cost-sharing arrangement with Loveland, Lafayette, Broomfield, Westminster, Louisville and Longmont public libraries for the Overdrive downloadable content service for patron use. The revenues from the cost-sharing arrangement offset the cost of the Overdrive service.

Budget Supplemental(s) from Fund Balance

Transfer(s) to Other Funds

Library – Main Library Renovations – \$161,989

This request is to transfer funds from the Library Fund to the FR&R fund for additional work on the Main Library outside of funds from the bond.

RECREATION ACTIVITY FUND

Budget Supplemental(s) from Fund Balance

Parks and Recreation – EXPAND Paralympics Grant – \$200

This request appropriates funds from the EXPAND Paralympics Grant, previously received. The US Olympic Committee has awarded the EXPAND Program this grant to be used to support the growth of community-based Paralympics sport programs that accommodates injured service members. Activities include Wheelchair Rugby, Track and Field and Hand cycling.

Budget Supplemental(s) from Additional Revenue

Parks and Recreation – EXPAND Scholarship – \$5,000

This request appropriates revenues from new grant funds. Donations will be used to create scholarships for people with disabilities so that they may participate in the EXPAND programs

Parks and Recreation – EXPAND Paralympics Grant – \$15,000

This request appropriates revenues from new grant funds. The US Olympic Committee has awarded the EXPAND Program this grant to be used to support the growth of community-based Paralympics sport programs that accommodates injured service

members. Activities include Wheelchair Rugby, Track and Field and Hand cycling.

Parks and Recreation – YSI – YOAB Get Fit Grant – \$6,554

This request appropriates revenues from new grant funds received from the Youth Opportunity Advisory Board (YOAB) "Get Fit Grant." The grant helps the YSI program facilitate positive development of youth by empowering them to make positive choices for healthy lifestyle and leisure pursuits.

OPEN SPACE AND MOUNTAIN PARKS FUND

Budget Supplemental(s) from Fund Balance

OSMP – 2013 Flood Repair/Reconstruction – \$1,000,000

This supplemental appropriation is requested to provide additional funds in 2014 for repairs and reconstruction of infrastructure damaged during the 2013 flood. These funds accrued to the Open Space fund during 2013 due to sales tax revenue exceeding that which was projected. The Open Space Board of Trustees (OSBT) approved the use of these funds in this way by approving the OSMP 2014 work plan which included these funds.

OSMP – Revised Voice & Sight Tag Program – \$100,000

This request is to appropriate funds for the Voice & Sight Tag Program. Originally the revised Voice & Sight Tag Program was to commence in January 2014 and initial set up of the revised program was to be done in 2013. The decision to proceed with the revised program was not made by council until 2014 and the "set up" expenses were not incurred in 2013. The revised program must be set up at an estimated cost of \$100,000. These funds are in addition to the funds appropriated for 2014 for the first year of the program.

OSMP – Raptor Program Bequest – Principal – \$229

This request is to appropriate funds for the Raptor Program. These funds represent the interest earned on the previously received bequest for the Raptor Monitoring Program. Because the bequest was exclusively for the Raptor Monitoring Program, OSMP directs any interest earned on the principal towards this purpose as well. It is the long term goal of the Department to utilize interest earned on the bequest in support of the Raptor Monitoring Program.

OSMP – Note Payments Series 2013– – \$591,320

This request is to appropriate principal and interest on note payments. Payments are due every October 31st, until the note matures in 2023.

TRANSPORTATION FUND

Budget Supplemental(s) from Additional Revenue

Public Works – CDOT SRTS funding for the S. Boulder Rd./Manhattan Intersection – \$250,000

This request appropriates \$250,000 from the Colorado Department of Transportation’s Safe Routes to School program to complete intersection modifications including a new traffic signal at South Boulder Road and Manhattan.

Public Works – CDOT Ramp Funding for the Diagonal from 30th Street to the east of SH157– \$4,456,000

This request appropriates \$4,456,000 in CDOT RAMP (Responsible Acceleration of Maintenance and Partnerships) funding to extend the SH119/Diagonal reconstruction project originally from 28th Street –30th Street to the east side of SH157. The project includes both reconstruction and additions to the multimodal system.

Public Works – 3rd Party Construction of Damaged Light Poles – \$150,000

This request appropriates funds to allow reimbursable repairs to damaged traffic signals.

Public Works – Grant Match – \$110,000

This request appropriates funds for third-party support for federal grant project.

PERMANENT PARKS AND RECREATION FUND

Transfer(s) from Other funds

Parks and Recreation – Transfer from Boulder Junction Fund – \$110,496

This request is to transfer funds from the Boulder Junction to the Permanent Parks and Recreation Fund. The transfer is technical in nature and is needed to true-up revenue transfer that occurred in 2013.

BOULDER JUNCTION IMPROVEMENT FUND

Budget Supplemental(s) from Additional Revenue

Public Works – 3rd Party Construction of Storm Sewer and Path at Steel Yards – \$59,210

This request appropriates funds to allow 3rd party reimbursement for storm sewer and path construction at Steel Yards.

Transfer(s) to Other funds

Parks and Recreation – Transfer to Permanent Parks and Recreation Fund– \$110,496

This request is to transfer funds from the Boulder Junction to the Permanent Parks and Recreation Fund. The transfer is technical in nature and is needed to true-up revenue transfer that occurred in 2013.

WATER UTILITY FUND**Budget Supplemental(s) from Fund Balance**Public Works – Waterline Replacement – \$800,000

This request appropriates \$800,000 from fund balance within the Water Fund for increased main replacement funding. Last fall, voters approved increased transportation funding to inspect, restore and rehabilitate transportation infrastructure. Additional funding is requested to coordinate main replacement with these street improvements while continuing to replace problematic mains.

Public Works – Gunbarrel Storage Tank – \$270,000

This request is for increased funding for the Gunbarrel Storage Tank project by \$270,000. A recent inspection of the tank revealed unanticipated steel corrosion issues inside the tank, and more funding is needed to address this issue.

Public Works – Sunshine Transmission Pipeline – \$200,000

This request appropriates \$200,000 to the Sunshine Transmission Pipeline project in the Water Fund. A number of leaks occurred in this transmission line this past summer. This additional funding is for enhanced rehabilitation and inspection for this critical pipeline.

Public Works – Boulder Watershed Pre- and Post-Fire planning – \$90,000

This request is to appropriate \$90,000 in the Water Fund for the Wildland Fire Protection Plan. This project was identified as a high priority in the Source Water Master Plan, and will identify projects that may be eligible for grant funding to help with wildfire mitigation projects. Phase 1 of this plan has been completed and further work is needed to complete the plan.

Public Works – Flood assistance – \$12,500

This request is to appropriate \$12,500 to partially support an administrative position for flood assistance.

WASTEWATER UTILITY FUND**Budget Supplemental(s) from Fund Balance**Public Works – Flood assistance – \$12,500

This request is to appropriate \$12,500 to partially support an administrative position for flood assistance.

Public Works – Off Site Sanitary Sewer Improvements– \$164,533

This request is to appropriate \$164,533 from fund balance in the Wastewater Fund for upsizing of a sanitary sewer main in Pearl Parkway to serve development. As part of an agreement, the developer was required to fund the cost of construction for his portion of applicable utility main upsizings. These funds were received in 2013, and fell to fund

balance at year end.

STORMWATER UTILITY FUND

Budget Supplemental(s) from Fund Balance

Public Works – Flood assistance – \$25,000

This request is to appropriate \$25,000 to partially support an administrative position for flood assistance.

FACILITY RENOVATION AND REPLACEMENT FUND

Budget Supplemental(s) from Fund Balance

Public Works – Main Library Renovations– \$288,000

This request is for the use of fund balance for additional work on the Main Library renovations.

Public Works – Main Library Renovations – \$235,425

This request is for the appropriation of funds from the Library's portion of FR&R's fund balance. The funds will be used for replacing the Canyon Theater screen, additional interior updates, exterior upgrades, and upgrading the security camera system.

Public Works – Yards Remodel – \$114,000

This request is for the appropriation of funds to cover the Utilities portion of the remodel project at the Yards Municipal Building.

Transfer(s) from Other Funds

Public Works – Main Library Renovations – \$414,077

This is a request to receive and appropriate transferred funds from the Library Fund to the FR&R fund for additional work on the Main Library outside of funds from the bond.

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
GENERAL FUND										
	Encumbered Funds									
	Arts		22,943							
	Community Planning and Sustainability		323,672							
	Downtown and University Hill /Parking Services		6,750							
	Energy Strategy		567,544							
	Finance		13,480							
	Fire		548							
	Human Resources		211,497							
	IT		161,887							
	Parks and Recreation		62,085							
	Police		289,432							
	Public Works		58,840							
	Grant Carryover									
Human Services	13/14 BVSD 21st Century Learning Ctr grant				9,784			9,784		
Human Services	11/12 BVSD FRS grant				74,961			74,961		
Human Services	13/14 BVSD FRS grant				17,290			17,290		
Human Services	FRS Fees & Contributions				4,467			4,467		
Human Services	2013 Family Resource Center grant				5,072			5,072		
Human Services	2013 Bldr Co CCAP Provider Training grant				5,700			5,700		
Human Services	2013 Bldr Co Resource/Referral grant				555			555		
Human Services	2010 Boulder Seniors Foundation grant				7,530			7,530		
Human Services	Work Family Directions grant				12,338			12,338		
Human Services	Boulder Co Community Svcs grant				11,833			11,833		
Human Services	Boulder Co Community Svcs grant				1,848			1,848		
Human Services	2013 City of Longmont grant				1,813			1,813		
Human Services	2013 CCSR Qualistar grant				9,156			9,156		
Human Services	2013 CCRT Qualistar grant				986			986		
Human Services	2013 Longmont Child Care Cert grant				323			323		
Human Services	11/12 BVSD Intervention/Prevention grant				43,845			43,845		
Human Services	12/13 BVSD Intervention/Prevention grant				69,933			69,933		
Human Services	13/14 BVSD Intervention/Prevention grant				43,246			43,246		
Human Services	Yamagata Japan Flood Donation				11,569			11,569		
Human Services	Child Care Tax Credit-Bldr Cert				4,850			4,850		
Human Services	Child Care Tax Credit				1,000			1,000		
Police	Bulletproof Vest Grant 2013				13			13		
Police	Justice Assist Grant 2011				6,243			6,243		
Police	Justice Assist Grant 2012				9,847			9,847		
Police	Justice Assist Grant 2013				29,605			29,605		
	Operating Carryover(s) from Fund Balance									
City Attorney	Software upgrades					68,744			68,744	
City Attorney	Unbudgeted Employee Expenses/Backfill/Outside Counsel					122,219			122,219	
City Manager	Community Survey					39,500			39,500	
City Manager	Education Access (PEG)					501,003			501,003	
City Manager	Education Excise Tax Grants					303,107			303,107	
City Manager	Legal Contingency					169,143			169,143	
City Manager	Flood- FEMA Consultants					5,158			5,158	
City Manager	Channel 8 Program Revenue					37,041			37,041	
City Manager	Chamber Upgrades					168,000			168,000	
Human Resources	TBBI Project Support					19,915			19,915	
Human Resources	Stress Management Program					30,000			30,000	
Human Resources	Salary and Personnel Adjustments					28,000			28,000	
Human Resources	Intern Program					14,000			14,000	
Finance	Comprehensive Financial Strategy					114,000			114,000	
Finance	Carryover funds used for TBBI staff backfill as well as bond issuances expenses					134,000			134,000	
Information Technology	Full Court Enterprise Software Upgrade Project					49,138			49,138	
Information Technology	iVista					8,432			8,432	
Information Technology	JSI Upgrade					130,581			130,581	
Information Technology	BRC Audit / STP Update					6,036			6,036	
Information Technology	Agenda Management System					28,955			28,955	
Information Technology	Infrastructure Upgrade Projects					134,480			134,480	
Information Technology	Intraweb redesign/E-services enhancement					29,033			29,033	
Information Technology	DOCUMENT MANAGEMENT IMPLEMENTATION					8,187			8,187	
Information Technology	IT FUND ANALYSIS					50,494			50,494	
Information Technology	HR / FINANCE SYSTEM REPLACEMENT					70,317			70,317	
Information Technology	CRM Enhancements					32,444			32,444	
Information Technology	MOBILE COMPUTING					78,000			78,000	
Information Technology	GIS Transitional Support					50,000			50,000	
Information Technology	Misc IT projects					351,157			351,157	
Information Technology	Service Desk Software Replacement					40,000			40,000	

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
	Police Alcohol Enforcement					50,000			50,000	
	Police Recreational Marijuana iPads					3,140			3,140	
	Police Radio Shop					5,000			5,000	
	Police RTD Gunbarrel Site					2,200			2,200	
	Police Teegarden Donation					5,400			5,400	
	Arts Public Art Program - Artwork funding					182,116			182,116	
	Arts Major Arts Grant Carryover					5,613			5,613	
	Arts Mini Grant Carryover (renamed in 2014 to Spark Grant)					5,108			5,108	
	Arts Arts in Education Grant Carryover					8,418			8,418	
	Arts Arts and Business Collaboration Grant Carryover					19,208			19,208	
	Human Services Human Services Strategy - consultants, surveys and needs assessment					80,000			80,000	
	Human Services Human Services Strategy-temporary planner position					45,000			45,000	
	Human Services Human Services InSight					16,000			16,000	
	Community Planning & Sustain. Boulder Civic Area					88,145			88,145	
	Community Planning & Sustain. Renewable Energy Program - 2012 Rebates					17,860			17,860	
	Community Planning & Sustain. 6400 Arapahoe Site Development (Recycle Row)					28,875			28,875	
	Community Planning & Sustain. Waste Reduction Services					110,281			110,281	
	Community Planning & Sustain. Bear & Trash Implementation					33,880			33,880	
	Community Planning & Sustain. Integrated Pest Management (IPM)					7,450			7,450	
	Community Planning & Sustain. Economic Vitality Incentive - Flexible Rebate Program					75,518			75,518	
	Community Planning & Sustain. Economic Vitality - 2008 Flexible Rebate Program					38,345			38,345	
	Community Planning & Sustain. Economic Vitality - 2011 Flexible Rebate Program					65,641			65,641	
	Community Planning & Sustain. Economic Vitality - 2012 Flexible Rebate Program					166,730			166,730	
	Community Planning & Sustain. Economic Vitality - 2013 Flexible Rebate Program					342,409			342,409	
	Community Planning & Sustain. Economic Vitality - Microloan					50,000			50,000	
	Community Planning & Sustain. Redevelopment					47,621			47,621	
	Community Planning & Sustain. Envision East Arapahoe					67,000			67,000	

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
	Budget Supplemental(s) from Fund Balance									
	City Manager						35,000		35,000	
	DUHMD						121,014		121,014	
	City Manager						353,000		353,000	
	City Manager						50,000		50,000	
	Finance						123,270		123,270	
	Police									
	Police						56,010		56,010	
	Police						50,000		50,000	
	Arts						125,000		125,000	
	Human Services						45,000		45,000	
	Community Planning & Sustain.						159,864		159,864	
	Community Planning & Sustain.						17,408		17,408	
	Budget Supplemental(s) from Fund Balance - Reserves									
	Community Planning & Sustain.						5,000		5,000	
	Budget Supplemental(s) from Additional Revenue									
	City Manager						156,000	156,000		
	Human Resources						20,000	20,000		
	Police						4,468	4,468		
	Police						46,520	46,520		
	Fire						29,899	29,899		
	Fire						4,894	4,894		
	Human Services						7,000	7,000		
	Human Services						50,000	50,000		
	Human Services						92	92		
	Human Services						8,000	8,000		
	Human Services						5,000	5,000		
	Human Services						22,500	22,500		
	Human Services						19,000	19,000		
	Human Services						285	285		
	Human Services						12	12		
	Human Services						4,000	4,000		
	Technical Adjustments									
	Human Services						(4,500)		(4,500)	
	Human Services						(10,000)		(10,000)	
	Police		(60,237)							
	Subtotal	\$ -	\$ 1,658,439	\$ -	\$ 383,808	\$ 4,388,043	\$ 1,503,737	\$ 761,478	\$ 5,514,109	\$ -
CAPITAL DEVELOPMENT FUND										
	Encumbered Funds									
	Public Works		1,561							
	Operating Carryover(s) from Fund Balance									
	Public Works						90,000		90,000	
	Budget Supplemental (s) from Fund Balance									
	Public Works						20,000		20,000	
	Subtotal	\$ -	\$ 1,561	\$ -	\$ -	\$ 90,000	\$ 20,000	\$ -	\$ 110,000	\$ -

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
LOTTERY FUND										
	Encumbrance Carryover									
	OSMP		99,082							
	Parks and Recreation		47,265							
	Project Carryover									
Parks and Rec	Tributary Greenways			672,006					672,006	
Parks and Rec	Art in the Park			439					439	
Parks and Rec	Urban Parks R&R			37,784					37,784	
Parks and Rec	Unanticipated Emergencies			20,399					20,399	
Parks and Rec	Valmont City Park Planning			26,052					26,052	
Open Space and Mountain Parks	Lottery Historical Structures and Sites			141,764					141,764	
	Operating Carryover(s) from Fund Balance									
Parks and Rec	IPM Natural Lands					14,156			14,156	
	Subtotal	\$ -	\$ 146,347	\$ 898,443	\$ -	\$ 14,156	\$ -	\$ -	\$ 912,599	\$ -
PLANNING AND DEVELOPMENT SERVICES FUND										
	Encumbrance Carryover									
	Planning and Development Services		117,161							
	Community Planning and Sustainability		62,060							
	Grant Carryover									
	Operating Carryover									
Planning & Development Svcs	LandLink Replacement Project					33,000			33,000	
Planning & Development Svcs	Floodplain Review					59,000			59,000	
Community Planning & Sustain.	LandLink Replacement Project					17,000			17,000	
Community Planning & Sustain.	Sustainable Streets & Centers					10,330			10,330	
	Budget Supplemental(s) from Fund Balance									
Planning & Development Svcs	Work Program / staff support -TBBI Implementation						33,000		33,000	
Planning & Development Svcs	Work Program / staff support - Building Construction						136,000		136,000	
Community Planning & Sustain.	Work Program / staff support - TBBI implementation						17,000		17,000	
Community Planning & Sustain.	State Historic Tax Credit						11,153		11,153	
Community Planning & Sustain.	Annexation Project						51,640		51,640	
Community Planning & Sustain.	Comprehensive Housing Project						75,000		75,000	
Community Planning & Sustain.	Design Excellence Initiative						10,000		10,000	
Community Planning & Sustain.	Land Use Code Update						100,000		100,000	
Community Planning & Sustain.	Growing up Boulder						20,000		20,000	
	Budget Supplemental(s) from Additional Revenue									
Planning & Development Svcs	SmartRegs Program						45,000	45,000		
Community Planning & Sustain.	Eco-Districts						75,000	75,000		
	Subtotal	\$ -	\$ 179,220	\$ -	\$ -	\$ 119,330	\$ 573,793	\$ 120,000	\$ 573,123	\$ -
AFFORDABLE HOUSING FUND										
	Encumbrance Carryover									
	Housing		1,525							
	Project Carryover									
Housing	Project Carryover			12,290,335					12,290,335	
	Operating Carryover									
Housing	Operating Carryover					369,679			369,679	
	Subtotal	\$ -	\$ 1,525	\$ 12,290,335	\$ -	\$ 369,679	\$ -	\$ -	\$ 12,660,014	\$ -

REQUEST BY FUND AND DEPT										
Fund	Dept Type / Item	Encumb Carryover		Type				Source		Increase (Decrease) in Revenue
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	
COMMUNITY HOUSING ASSISTANCE PROGRAM (CHAP) FUND										
	Project Carryover									
	Housing			1,673,775					1,673,775	
	Operating Carryover									
	Housing					336,137			336,137	
	Subtotal	\$ -	\$ -	\$ 1,673,775	\$ -	\$ 336,137	\$ -	\$ -	\$ 2,009,913	\$ -
.25 CENT SALES TAX FUND										
	Encumbrance Carryover									
	Public Works		56,753							
	Parks and Recreation		995,051							
	Grant Carryover									
	Parks and Recreation				11,332			11,332		
	Project Carryover									
	Parks and Rec			14,940					14,940	
	Parks and Rec			111,179					111,179	
	Parks and Rec			5,223					5,223	
	Parks and Rec			149,925					149,925	
	Parks and Rec			17,336					17,336	
	Parks and Rec			184,531					184,531	
	Parks and Rec			81,551					81,551	
	Parks and Rec			9,798					9,798	
	Parks and Rec			100,378					100,378	
	Parks and Rec			28,717					28,717	
	Parks and Rec			27,755					27,755	
	Parks and Rec			51,610					51,610	
	Parks and Rec			195,391					195,391	
	Parks and Rec			68,938					68,938	
	Parks and Rec			18,000					18,000	
	Parks and Rec			445					445	
	Parks and Rec			8,423					8,423	
	Parks and Rec			286,239					286,239	
	Parks and Rec			466					466	
	Parks and Rec			969					969	
	Operating Carryover(s) from Fund Balance									
	Parks and Rec					2,500			2,500	
	Parks and Rec					25,000			25,000	
	Budget Supplemental(s) from Fund Balance									
	Parks and Rec						169,500		169,500	
	Parks and Rec						13,858		13,858	
	Budget Supplemental(s) from Additional Revenue									
	Parks and Rec						3,182	3,182		
	Parks and Rec						4,408	4,408		
	Parks and Rec						80,000	80,000		
	Additional Revenue									
	Parks and Rec									62,494
	Parks and Rec									22,720
	Subtotal	\$ -	\$ 1,051,803	\$ 1,361,813	\$ 11,332	\$ 27,500	\$ 270,948	\$ 98,922	\$ 1,572,671	\$ 85,214

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
LIBRARY FUND										
	Encumbrance Carryover									
	Library		48,156							
	Grant Carryover									
Library	BoulderReads County Grant				10,622			10,622		
	Project Carryover									
Library	AMH RFID Project			1,330,000					1,330,000	
	Operating Carryover from Fund Balance									
Library	State Grant Funding					20,654			20,654	
	Budget Supplemental(s) from Additional Revenue									
Library	Consortium Reimbursement						8,616	8,616		
	Transfer(s) to Other Funds									
Library	Transfer to Facilities Renovation and Replacement, Main Library Renovations					252,088	161,989		414,077	
	Subtotal	\$ -	\$ 48,156	\$ 1,330,000	\$ 10,622	\$ 272,742	\$ 170,605	\$ 19,238	\$ 1,764,731	\$ -
RECREATION ACTIVITY FUND										
	Grant Carryover									
Parks and Rec	Parks and Recreation				43,871			43,871		
	Budget Supplemental(s) from Fund Balance									
Parks and Rec	EXPAND Paralympics Grant						200		200	
	Budget Supplemental(s) from Additional revenue									
Parks and Rec	EXPAND Scholarship						5,000	5,000		
Parks and Rec	EXPAND Paralympic Grant						15,000	15,000		
Parks and Rec	YSI - YOAB Get Fit Grant						6,554	6,554		
	Subtotal	\$ -	\$ -	\$ -	\$ 43,871	\$ -	\$ 26,754	\$ 70,425	\$ 200	\$ -
CLIMATE ACTION PLAN FUND										
	Encumbrance Carryover									
	Community Planning and Sustainability		412,499							
	Operating Carryover(s) from Fund Balance									
Community Planning & Sustain.	CAP Tax Programs and Initiatives					582,490			582,490	
	Negative Adjustment									
Community Planning & Sustain.	Encumbrance Carryover Technical Adjustment		(121,557)							
	Subtotal	\$ -	\$ 290,942	\$ -	\$ -	\$ 582,490	\$ -	\$ -	\$ 582,490	\$ -
OPEN SPACE FUND										
	Encumbrance Carryover									
	OSMP		907,769							
	Project Carryover									
Open Space and Mountain Parks	Annex/Ute Solarization			22,667					22,667	
Open Space and Mountain Parks	Open Space & Mt Parks Trails Projects			1,142,752					1,142,752	
Open Space and Mountain Parks	OSMP LiDAR/Aerial Imaging			12,010					12,010	
Open Space and Mountain Parks	South Boulder Creek Instream Flow			148,089					148,089	
Open Space and Mountain Parks	Water Rights Acquisition			335,091					335,091	
Open Space and Mountain Parks	Mineral Rights Acquisition			361,184					361,184	
	Operating Carryover from Fund Balance									
Open Space and Mountain Parks	KOA Lake Fishing Access Grant					25,500			25,500	
Open Space and Mountain Parks	Raptor Program Bequest - Principal					39,167			39,167	
	Budget Supplemental(s) from Fund Balance									
Open Space and Mountain Parks	2013 Flood Repair/Reconstruction						1,000,000		1,000,000	
Open Space and Mountain Parks	Revised Voice & Sight Tag Program						100,000		100,000	
Open Space and Mountain Parks	Raptor Program Bequest - Interest						229		229	
Open Space and Mountain Parks	Base rental due on BMPA note Series 2013, issued in October 2013.						591,320		591,320	
	Subtotal	\$ -	\$ 907,769	\$ 2,021,792	\$ -	\$ 64,667	\$ 1,691,549	\$ -	\$ 3,778,008	\$ -

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
TRANSPORTATION FUND										
	Encumbrance Carryover									
	Public Works	3,004,655	3,018,735							
	Project Carryover									
	Public Works Ped Facilities - Enhancements			32,157					32,157	
	Public Works Broadway Concrete Reconstructn-Pine/Iris			21,387					21,387	
	Public Works Boulder Transit Village			63,019					63,019	
	Public Works Yards Master Plan			400,000					400,000	
	Public Works Pearl-30th Intersection Improvements									2,769
	Public Works 30th St Access Impr BTV: Bluff-Wallnut			28,373				28,373		88,808
	Public Works Broadway - Euclid Multimodal Improvement			172,048					172,048	
	Public Works TIP Local Match			715,597					715,597	
	Public Works CU Bike/Ped Bridge Replacement			200,000					200,000	
	Public Works Pearl Pkwy M-Use Path: 30th to Foothills			289,654				289,654		107,766
	Public Works Diagonal Hwy Recon: 28th to 30th			4,014,310				3,058,558	955,752	
	Public Works Foothills Impr.: Diagonal to Valmont			661,138				603,956	57,183	
	Public Works Baseline Underpass: Broadway to 28th			2,563,203				2,430,204	132,999	
	Public Works 28th St. Path Impr.: Iris to Yarmouth			513,371				449,060	64,311	
	Public Works 14th & Walnut			50,000				50,000		362,043
	Public Works Transit Stop Improvements			259,810				238,920	20,890	
	Public Works Bike Share Stations			3,343				2,674	669	
	Public Works Path Relocation-57th Street			151,846					151,846	
	Public Works Tributary Greenways Program			223,398					223,398	
	Public Works Bikeway Facilities - Enhancements			15,846					15,846	
	Public Works 28th St - Baseline to Iris			896,375					896,375	
	Grant Carryover									
	Public Works Transportation Grants				506,137			506,137		
	Operating Carryover from Fund Balance									
	Public Works Transportation Grants- city match					14,813			14,813	
	Budget Supplemental(s) from Additional Revenue									
	Public Works CDOT for SRTS/Manhattan						250,000	250,000		
	Public Works Ramp Funding						4,456,000	4,456,000		
	Public Works 3rd Party Construction for Damaged Light Poles						150,000	150,000		
	Public Works Grant Match						110,000	110,000		
	Negative Adjustment									
	Public Works Encumbrance Carryover Technical Adjustment		(175,548)							
	Subtotal	\$ 3,004,655	\$ 2,843,187	\$ 11,274,877	\$ 506,137	\$ 14,813	\$ 4,966,000	\$ 12,623,537	\$ 4,138,290	\$ 561,386
TRANSPORTATION DEVELOPMENT FUND										
	Encumbrance Carryover									
	Public Works		108,573							
	Project Carryover									
	Public Works Misc Development Coordination			77,130					77,130	
	Public Works Yarmouth Ave.(Brdwy to US 36)			15,286					15,286	
	Public Works 28th St - Baseline to Iris			948,853					948,853	
	Public Works 30th St Bikelanes: Arapahoe to Pearl			41,521					41,521	
	Subtotal	\$ -	\$ 108,573	\$ 1,082,790	\$ -	\$ -	\$ -	\$ -	\$ 1,082,790	\$ -
COMMUNITY DEVELOPMENT BLOCK GRANT FUND										
	Grant Carryover									
	Housing Comm. Develop Blk Grant				876,401			876,401		
	Human Services Comm. Develop Blk Grant - Family Resource Schools				84,673			84,673		
	Subtotal	\$ -	\$ -	\$ -	\$ 961,074	\$ -	\$ -	\$ 961,074	\$ -	\$ -
HOME FUND										
	Grant Carryover									
	Housing HOME Grants				1,554,916			1,554,916		
	Subtotal	\$ -	\$ -	\$ -	\$ 1,554,916	\$ -	\$ -	\$ 1,554,916	\$ -	\$ -

REQUEST BY FUND AND DEPT										
Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
PERMANENT PARKS AND RECREATION FUND										
	Encumbrance Carryover									
	Parks and Recreation		32,226							
	Project Carryover									
Parks and Rec	Flatiron Golf Course			7,229					7,229	
Parks and Rec	Flatiron Golf Course			520,625					520,625	
Parks and Rec	Flatiron Golf Course			76,529					76,529	
Parks and Rec	Unanticipated Emergencies			38,600					38,600	
Parks and Rec	New Neigh Park Development			478,884					478,884	
Parks and Rec	Valmont City Park			71,677					71,677	
Parks and Rec	Urban Parks R&R			147,168					147,168	
Parks and Rec	Urban Parks R&R			73,366					73,366	
Parks and Rec	Urban Parks R&R			5,222					5,222	
Parks and Rec	Reservoir Improvements Fd 118			16,912					16,912	
Parks and Rec	Recreation Fac R&R			126,181					126,181	
Parks and Rec	New Neigh Park Development			10,000					10,000	
	Operating Carryover from Fund Balance									
Parks and Rec	Update on Department Organizational Assessment					22,387			22,387	
Parks and Rec	Reservoir Site Plan					102,921			102,921	
	Transfer(s) from Other Funds									
Parks and Rec	Technical adjustment to the 2013 Parkland Excise Tax Revenue from the Permanent Parks Fund to Boulder Junction									110,496
	Subtotal	\$ -	\$ 32,226	\$ 1,572,394	\$ -	\$ 125,308	\$ -	\$ -	\$ 1,697,702	\$ 110,496
FIRE TRAINING CENTER CONSTRUCTION FUND										
	Operating Carryover from Fund Balance									
Public Works	Fire Training Center					42,351			42,351	
	Subtotal	\$ -	\$ -	\$ -	\$ -	\$ 42,351	\$ -	\$ -	\$ 42,351	\$ -
BOULDER JUNCTION IMPROVEMENT FUND										
	Encumbrance Carryover									
	Public Works		425,760							
	Parks and Recreation		219,514							
	Project Carryover									
Public Works	Misc Development Coordination			15,491					15,491	
Public Works	Traffic Signal at Junction Place			59,552					59,552	
Public Works	Junction Place Bridge at Boulder Slough			170,000					170,000	
Public Works	Junction Place - Pearl to Goose Creek			712,314					712,314	
	Budget Supplemental(s) from Additional Revenue									
Public Works	3rd Party Construction for Storm Sewer and Path at Steel Yards						59,210	59,210		
	Transfer(s) to Other Funds									
Parks and Rec	Technical adjustment to the 2013 Parkland Excise Tax Revenue from the Permanent Parks Fund to Boulder Junction									110,496
	Subtotal	\$ -	\$ 645,274	\$ 957,357	\$ -	\$ -	\$ 169,705	\$ 59,210	\$ 1,067,853	\$ -
2011 CAPITAL IMPROVEMENT FUND										
	Encumbrance Carryover									
	IT		21,939							
	Fire		23,448							
	Public Works		7,261,577							
	Downtown and University Hill Mangement District / Parking Services		250,042							
	Parks and Recreation		743,874							
	Library		48,756							
	Operating Carryover from Fund Balance									
Various	2011 Capital Investment Bond			25,371,716					25,371,716	
	Negative Adjustment									
Parks and Recreation	Encumbrance Carryover Technical Adjustment		(21,083)							
	Subtotal	\$ -	\$ 8,328,553	\$ 25,371,716	\$ -	\$ -	\$ -	\$ -	\$ 25,371,716	\$ -

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source				
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue		
WATER UTILITY FUND												
	Encumbrance Carryover											
	Public Works		1,144,161									
	Project Carryover											
	Public Works			778,252					778,252			
	Public Works			162,800					162,800			
	Public Works			99,875					99,875			
	Public Works			20,347					20,347			
	Public Works			119,040					119,040			
	Public Works			109,612					109,612			
	Public Works			6,052					6,052			
	Public Works			172,395					172,395			
	Public Works			293,281					293,281			
	Public Works			50,000					50,000			
	Public Works			50,000					50,000			
	Public Works			10,398					10,398			
	Public Works			13,561					13,561			
	Public Works			39,927					39,927			
	Public Works			48,428					48,428			
	Public Works			75,000					75,000			
	Public Works			43,136					43,136			
	Public Works			12,455					12,455			
	Public Works			254,830					254,830			
	Public Works			155,219					155,219			
	Public Works			65,243					65,243			
	Public Works			73,653					73,653			
	Public Works			168,162					168,162			
	Public Works			187,822					187,822			
	Budget Supplemental(s) from Fund Balance											
	Public Works						800,000		800,000			
	Public Works						270,000		270,000			
	Public Works						200,000		200,000			
	Public Works						90,000		90,000			
	Public Works						12,500		12,500			
	Increase in Revenue											
	Public Works									300,000		
	Negative Adjustment											
	Public Works									(25,077)		
	Subtotal											
				\$ -	\$ 1,119,084	\$ 3,009,488	\$ -	\$ -	\$ 1,372,500	\$ -	\$ 4,381,988	\$ 300,000
WASTEWATER UTILITY FUND												
	Encumbrance Carryover											
	Public Works		705,844									
	Grant Carryover											
	Public Works					1,525		1,525				
	Project Carryover											
	Public Works			50,000					50,000			
	Public Works			150,000					150,000			
	Public Works			66,677					66,677			
	Public Works			46,660					46,660			
	Public Works			798,928					798,928			
	Public Works			158,457					158,457			
	Public Works			151,736					151,736			
	Budget Supplemental(s) from Fund Balance											
	Public Works						164,533		164,533			
	Public Works						12,500		12,500			
	Increase in Revenue											
	Public Works									200,000		
	Negative Adjustment											
	Public Works									(54,291)		
	Subtotal											
				\$ -	\$ 651,553	\$ 1,422,458	\$ 1,525	\$ -	\$ 177,033	\$ 1,525	\$ 1,599,491	\$ 200,000

REQUEST BY FUND AND DEPT

Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
STORMWATER/FLOOD MANAGEMENT UTILITY FUND										
	Encumbrance Carryover									
	Public Works		2,529,086							
	Project Carryover									
	Public Works			2,906,690				800,000	2,106,690	
	Public Works			1,084,783				100,000	984,783	
	Public Works			100,000					100,000	
	Public Works			50,000					50,000	
	Public Works			200,000					200,000	
	Public Works			230,328					230,328	
	Public Works			2,356,395					2,356,395	
	Public Works			516,096					516,096	
	Public Works			682,654					682,654	
	Public Works			118,270					118,270	
	Public Works			549,890					549,890	
	Budget Supplemental(s) from Fund Balance									
	Public Works						25,000		25,000	
	Increase in Revenue									
	Public Works									49,950
	Negative Adjustment									
	Public Works		(389,811)							
	Subtotal	\$ -	\$ 2,139,275	\$ 8,795,106	\$ -	\$ -	\$ 25,000	\$ 900,000	\$ 7,920,106	\$ 49,950
TELECOMMUNICATIONS FUND										
	Encumbrance Carryover									
	IT		3,756							
	Subtotal	\$ -	\$ 3,756	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
WORKERS COMPENSATION INSURANCE FUND										
	Encumbrance Carryover									
	Finance		541							
	Subtotal	\$ -	\$ 541	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FLEET REPLACEMENT FUND										
	Encumbrance Carryover									
	Public Works		940,138							
	Negative Adjustment									
	Public Works		(188,260)							
	Subtotal	\$ -	\$ 751,878	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
COMPUTER REPLACEMENT FUND										
	Encumbrance Carryover									
	IT		19,075							
	Subtotal	\$ -	\$ 19,075	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FACILITY RENOVATION AND REPLACEMENT FUND										
	Encumbrance Carryover									
	Public Works		1,149,547							
	Operating Carryover from Fund Balance									
	Public Works					690,000			690,000	
	Public Works					27,258			27,258	
	Public Works					55,000			55,000	
	Public Works					3,509,733			3,509,733	
	Public Works					140,248			140,248	
	Public Works					42,725			42,725	
	Public Works					169,727			169,727	
	Public Works					1,364,758			1,364,758	
	Public Works					3,884			3,884	
	Public Works					39,281			39,281	
	Public Works					100,000			100,000	
	Budget Supplemental from Fund Balance									
	Public Works						288,000		288,000	
	Public Works						235,425		235,425	
	Public Works						114,000		114,000	

REQUEST BY FUND AND DEPT										
Fund	Dept Type / Item	Encumb Carryover		Type				Source		
		From Additional Revenue	From Fund Balance	Capital Carryover	Grant Carryover	Operating Carryover	Budget Supplemental	Additional Revenue	Fund Balance	Increase (Decrease) in Revenue
	Transfer(s) from Other Funds									
Public Works	Main Library Renovations						414,077	414,077		
	Negative Adjustment									
Public Works	Encumbrance Carryover Technical Adjustment		(12,402)							
	Subtotal	\$ -	\$ 1,137,146	\$ -	\$ -	\$ 6,142,614	\$ 1,051,502	\$ 414,077	\$ 6,780,039	\$ -
	Total General Fund	-	1,658,439	-	383,808	4,388,043	1,503,737	761,478	5,514,109	-
	Total Restricted Funds	3,004,655	20,407,444	73,062,342	3,089,477	8,201,788	10,515,390	16,822,924	78,046,073	1,307,045
	Total All Funds	\$ 3,004,655	\$ 22,065,883	\$ 73,062,342	\$ 3,473,285	\$ 12,589,831	\$ 12,019,126	\$ 17,584,402	\$ 83,560,183	\$ 1,307,045

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**2014 FUND ACTIVITY SUMMARY
CARRYOVER AND 1ST BUDGET SUPPLEMENTAL OF 2014**

FUND	At January 1, 2014		Appropriation Ordinance February 18, 2014		Carryover & 1st Budget Supplemental		Projected Dec 31, 2014	
	Unreserved Fund Balance	Original Estimated Revenues (Including Xfers In)	Original Appropriations (Including Xfers Out)	Increase in Estimated Revenues	Increase in Appropriations	Increase in Estimated Revenues	Appropriations (Including Xfers Out)	Fund Balance
General	39,354,424	115,046,180	115,683,502	2,000,000	2,000,000	761,478	7,934,027	31,544,553
Capital Development	2,943,508	605,329	373,105			0	111,561	3,064,171
Lottery	1,509,712	837,254	836,000			0	1,058,946	452,020
Planning and Development Services	7,720,841	9,176,226	10,517,645			120,000	872,343	5,627,079
Affordable Housing	19,137,870	1,430,131	1,417,350			0	12,661,539	6,489,113
Community Housing Assistance Program	2,045,390	2,314,902	2,306,005			0	2,009,913	44,374
.25 Cent Sales Tax	3,433,521	7,637,127	7,575,342			184,136	2,723,396	956,045
Library	3,010,338	7,629,003	7,629,003			19,238	1,832,125	1,197,451
Recreation Activity	1,511,370	9,946,385	10,269,708			70,425	70,625	1,187,847
Climate Action Plan	1,222,833	1,845,600	1,845,600			0	873,432	349,401
Open Space and Mountain Parks	17,032,351	28,209,965	27,319,312			0	4,685,777	13,237,227
Transportation	12,386,735	28,728,591	31,421,772	4,500,000	4,500,000	16,189,578	19,605,014	6,278,118
Transportation Development	1,748,596	676,592	917,490			0	1,191,363	316,335
Community Development Block Grant (CDBG)	0	684,180	684,180			961,074	961,074	0
HOME Investment Partnership Grant	0	811,331	811,331			1,554,916	1,554,916	0
Permanent Parks and Recreation	2,266,055	2,513,790	2,783,289			110,496	1,729,928	377,124
Fire Training Center Construction	46,295	0	0			0	42,351	3,944
Boulder Junction Improvement	1,511,952	1,793,951	1,543,944			59,210	1,772,337	48,832
2011 Capital Improvement	34,004,397	0	0			0	33,700,268	304,128
Water Utility	34,341,311	27,803,454	26,503,491			300,000	5,501,072	30,440,203
Wastewater Utility	12,510,147	15,120,245	16,039,376			201,525	2,252,569	9,539,972
Stormwater/Flood Management Utility	16,203,856	8,361,781	13,925,314			949,950	10,959,381	630,892
Telecommunications	1,323,316	723,262	730,326			0	3,756	1,312,496
Worker's Compensation Insurance	1,803,122	1,534,213	1,817,292			0	541	1,519,501
Fleet	10,566,149	10,036,135	11,159,324			0	751,878	8,691,082
Computer Replacement	6,678,894	1,816,128	1,891,092			0	19,075	6,584,855
Equipment Replacement	4,132,852	802,331	1,953,147			0	0	2,982,036
Facility Renovation and Replacement	10,678,886	3,893,892	3,544,617			414,077	8,331,262	3,110,976

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, an ordinance amending Chapter 5-3, "Offenses Against the Person," B.R.C. 1981, by adding a new Section 5-3-15 "Solicitation Limited," prohibiting solicitation at designated places and setting forth related details.

PRESENTERS:

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

Molly Winter, Executive Director of the Downtown & University Hill Management Division and Parking Services

Greg Testa, Acting Police Chief

Janet Michels, Senior Assistant City Attorney

EXECUTIVE SUMMARY:

On February 11, 2014, council held a study session on anti social behavioral issues. Council scheduled this study session to provide a forum for discussion of issues raised by certain activity. Council stressed that Boulder should be welcoming to all. There are some in the community whose behavior can be intimidating. Council discussed several proposed changes including updating the city's restrictions on panhandling. Council directed staff to research and bring back recommendations for better panhandling legislation.

This agenda item presents council with a proposed ordinance that would create new restrictions on panhandling in Boulder. The restrictions are intended to protect people from panhandlers in situations in which the person is either captive or particularly vulnerable. While panhandlers have a right to solicit donations, those solicited should have an equal right to say no and walk away. There are certain situations in which the person solicited does not have that option; for example when watching one's children in a play area or when riding a bus. In addition, there are situations in which a person feels particularly vulnerable because they have to handle cash publically, such as when

receiving money from an ATM or putting money into a parking kiosk. Staff has identified ten such situations and included them in the attached proposed ordinance.

Staff has explored and is not recommending other options. Many cities in Colorado and around the nation prohibit solicitation from vehicles. While such a prohibition is possible, staff is not making that recommendation. In addition, there are other options such as bans in the downtown area or registration requirements, which other communities have imposed, but which staff is not recommending.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to introduce on first reading and order published by title only an ordinance amending Chapter 5-3, "Offenses Against the Person," B.R.C. 1981 by adding a new section 5-3-15 "Solicitation Limited," prohibiting solicitation at designated places and setting forth related details.

BACKGROUND:

Community members have expressed concern about the number of panhandlers in Boulder and about feeling threatened by certain solicitations. Council asked staff to explore a limited ordinance to address some of those situations. As part of this project staff researched ordinances limiting solicitation in cities in the Front Range. Copies of those ordinances are attached as Attachment B. Communities have a wide range of restrictions on panhandling. These restrictions are summarized below. It is important to note that the language used varies widely and therefore any classification is inherently subjective.

Prohibiting Aggressive Panhandling

Aggressive panhandling is generally defined as threatening, using fighting words, following or repeatedly soliciting an individual. The Boulder provision is codified in section 5-3-7, "Aggressive Begging Prohibited," B.C.R. 1981. In addition to Boulder, the following Front Range communities have prohibitions against aggressive panhandling: Aurora, Broomfield, Colorado Springs, Denver, Fort Collins, Greeley, Lakewood, Longmont and Loveland.

Prohibiting Solicitation in Designated Areas

Many communities have limited solicitation in the manner in which staff is proposing for Boulder. Such restrictions are generally as described above. That is, limiting solicitation when individuals are particularly vulnerable. The following Front Range communities have an ordinance that includes such restrictions: Colorado Springs, Denver, Fort Collins, Greeley, Lakewood, Loveland and Superior.

Prohibiting Solicitation from Vehicles

Many communities have restricted panhandling from vehicles. Most of these ordinances prohibit a person from stepping into a street to accept a donation. Staff is not recommending that Boulder adopt such an ordinance. The following Front Range communities have restricted solicitation of persons in vehicles: Arvada, Centennial, Colorado Springs, Fort Collins, Longmont, Louisville, Loveland, Superior, Thornton and Westminster.

Prohibiting Solicitation at Night

Individuals often feel more vulnerable at night. Many communities have responded by prohibiting solicitation after dark and before sunrise. Staff is not recommending such a restriction in Boulder. The following Front Range communities restrict panhandling after dark: Colorado Springs, Denver, Fort Collins, Greeley, Lakewood and Loveland.

Prohibiting Solicitation from At-Risk Individuals

Fort Collins and Loveland both prohibit solicitation if the solicitor knows that the person solicited is “at-risk.” An at-risk person is defined as a person over 59 years of age, under 18 years of age or with a disability. Staff is not recommending such a restriction in Boulder.

The proposed ordinance is intended to reflect council’s direction to strike a balance between increasing the protection to the community and protecting the rights of those who wish to solicit.

The following chart summarizes these ordinances:

	Aggressive	Designated Areas	Vehicles	After Dark	At Risk
Arvada			X		
Aurora	X				
Boulder	X	<i>Proposed</i>			
Broomfield	X				
Centennial			X		
Colorado Springs	X	X	X	X	
Denver	X	X		X	
Fort Collins	X	X	X	X	X
Greeley	X	X		X	
Lafayette					
Lakewood	X	X		X	
Longmont	X		X		
Louisville			X		
Loveland	X	X	X	X	X
Superior		X	X		
Thornton			X		
Westminster			X		

Recent Challenges to Panhandling Laws

In November 2012, the American Civil Liberties Union challenged a Colorado Springs ordinance. The challenge addressed a provision that would have prohibited solicitation in a 12 block area of downtown Colorado Springs. A federal district court judge issued an injunction against enforcement of this provision. Colorado Springs amended the ordinance to remove that provision. Interestingly, the ACLU did not challenge a provision prohibiting panhandling citywide within 20 feet of any doorway, residential or commercial.

In March 2014, the ACLU challenged several provisions in a Grand Junction ordinance. These included a provision banning solicitation from vehicles, solicitation from at-risk individuals, solicitation within 100 feet of a school, an ATM or a bus stop. Key to the ACLU challenge was Grand Junction's intent to include passive solicitation. In April 2014, the Grand Junction city council amended the ordinance to eliminate the ban on solicitation from at-risk individuals, and around schools and reduced the ban on solicitation around bus stops and ATMs from 100 feet to 20 feet. The lawsuit is still pending.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic:
Panhandling can have an adverse affect on businesses in the community.
- Environmental:
None identified
- Social:
There is a debate on the social effects of panhandling. There are those who believe that giving money to panhandling helps to facilitate destructive behavior, such as alcoholism and drug abuse. There are others who view panhandling as a last resort for people to feed or shelter themselves.

OTHER IMPACTS

- Fiscal:
None identified.
- Staff Time:
None identified.

Analysis:

The proposed new code provision would prohibit solicitation, which is defined as a verbal request for money or anything of value, in the following six areas:

- An outdoor dining area;
- Within 20 feet of a bus stop sign;

- Within 20 feet of a self-service fuel pump;
- Within 20 feet of any children's play area;
- Within 20 feet of an automated teller machine or entrance to a bank; or
- Within 20 feet of any parking pay station;

As noted above, staff has endeavored to identify areas where people are vulnerable or captive. Some areas are both. A person standing at a self-service fuel pump or an ATM can both be vulnerable because he or she has to handle money, while at the same time being unable to just walk away. Staff believes that limiting solicitation in these areas leaves ample areas for individuals to solicit donations while providing additional protection for the community. It is important to note that the proposed ordinance is focused on active solicitation. Staff is not proposing including any additional restrictions on playing music or simply holding a sign. Accordingly, the prohibition proposed is against a verbal request for money or other thing of value in any of these areas.

Attachment

Proposed Ordinance – Attachment A

Text of panhandling ordinances – Attachment B

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 6th day of May, 2014.

Mayor

Attest:

City Clerk

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
TITLE ONLY this ___ day of _____, 2014.

Mayor

Attest:

City Clerk

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

2 BY TITLE ONLY this ___ of _____, 2014.

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Mayor

Attest:

City Clerk

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Arvada

Sec. 62-62. Sales and solicitation near or on streets and highways prohibited.

(a) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway within the city when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway; or

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(b) It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on any highway included in the interstate system including any entrance to or exit from such highway.

(c) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(Code 1981, § 21-30.1; Ord. No. 3193, § 1, 6-19-1995)

Aurora

Sec. 94-114. Definitions.

The following words and phrases, when used in sections 94-114 through 94-120 shall have the meanings respectively ascribed to them:

Aggressively beg shall mean to beg with the intent of intimidating another person into giving money, goods, or alms.

Beg shall mean to ask for or solicit money or goods, or to solicit alms, whether by words, bodily gestures, signs, or other means.

Colfax corridor shall mean all public places including streets, medians, sidewalks, bus lanes, parking lanes, bus stops, bus shelters, and public plazas situated within that area of the City of Aurora demarcated by the midline of Yosemite Street on the western edge to the midline of Peoria Street on the eastern edge, and from the midline of 14th Avenue on the southern edge to the midline of 16th Avenue on the northern edge.

Intimidate shall mean to engage in conduct which would make a reasonable person fearful or apprehensive for their personal safety. It shall include the concept of coercion.

Loitering means to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public place.

Medical necessity shall mean any physical or mental condition which compels the subject of the condition to sit or lie down to prevent substantial or permanent harm from occurring and which condition is susceptible of consistent diagnosis by a licensed physician, or any condition which causes an involuntary reaction in the subject of the condition which forces that person to sit or lie down and which condition is verifiable by a licensed physician or is verified by emergency medical response personnel who have directly observed the condition.

Obstruct shall mean to hinder or slow progress, to retard progress, to make accomplishment of obtaining a goal slower or more difficult, to be or come in the way of, or to wholly or partially cut off the sight of a goal or objective, to impede. The term shall not be taken to mean an impossibility of obtaining a goal. It shall not require that a goal or destination was in fact not ultimately obtained.

Pedestrian shall include all users of sidewalks regardless of their means of locomotion. Specifically, the term shall include those using wheelchairs.

Public place shall mean any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted

solely to the uses of the public. It shall include the front, entryway, doorway, or vestibule or immediate access area to any store, shop, restaurant, tavern or other place of business, and shall also include public grounds, areas, parks, plazas, streets, sidewalks, and medians owned or maintained in whole or in part by the city.

(Ord. No. 98-81, § 1, 11-30-98)

Sec. 94-115. Loitering in the Colfax Corridor, obstructing.

It shall be unlawful for any person to loiter between the hours of 7:00 a.m. to 9:00 p.m., at any public place within the Colfax Corridor such that they obstruct the free and uninterrupted passage of vehicles or pedestrians traveling through or within the corridor, or such that they obstruct any pedestrian seeking to access any business, store, shop, restaurant, tavern, service provider, bus stop, or bus shelter situated within the Colfax Corridor.

(Ord. No. 98-81, § 2, 11-30-98)

Sec. 94-116. Loitering in the Colfax Corridor, sitting in easements.

Within the Colfax Corridor between 7:00 a.m. and 9:00 p.m., it shall be unlawful for any person to sit down upon or to kneel upon the surface of any street, sidewalk, parking lane, bus lane, or in any plaza, or upon any median, except upon benches, stools, chairs or other seats built into and integrated into the design of the streetscape unless compelled to do so by medical necessity.

(Ord. No. 98-81, § 3, 11-30-98)

Sec. 94-117. Loitering in the Colfax Corridor, laying down or sleeping in business district.

Within the Colfax Corridor it shall be unlawful for any person to lie down upon any street, sidewalk, parking lane, bus lane, median, plaza, or in any bus shelter between the hours of 7:00 a.m. and 9:00 p.m., whether on the ground or upon benches, stools, chairs, or other seats, nor upon any other surface unless compelled to do so by medical necessity.

(Ord. No. 98-81, § 4, 11-30-98)

Sec. 94-118. Loitering in Colfax Corridor, persons in possession of alcoholic beverages.

It shall be unlawful for persons to loiter in any public place within the Colfax Corridor while in possession of alcoholic beverages.

(Ord. No. 98-81, § 5, 11-30-98)

Sec. 94-119. Loitering in Colfax Corridor, aggressive begging.

It shall be unlawful for any person to aggressively beg within the Colfax Corridor. The following factors, while not dispositive of an actor's intent, shall be deemed admissible probative evidence,

and may be considered in determining whether the actor intended to aggressively beg from, or intimidate another person into giving money or goods to the solicitor:

- (1) That the actor touches the person solicited without consent or express invitation to do so;
- (2) That the actor follows the person solicited without express invitation to do so and with the specific intent and actual effect of prolonging the solicitation encounter;
- (3) That the actor directs profane or abusive language or fighting words towards persons refusing the solicitation;
- (4) That the actor threatens the person solicited with violence either verbally or through commonly understood gestures; or
- (5) That the actor persists in begging from a person after that person has once refused the solicitation or given a negative response during the instant encounter.

(Ord. No. 98-81, § 6, 11-30-98)

Broomfield

9-32-050 Begging prohibited.

(A) It is unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, to aggressively coerce, threaten, relentlessly pursue, harass, or intimidate another person for the purpose of soliciting money or goods, whether by words, bodily gestures, signs, or other means.

(B) For the purposes of this section, a person "aggressively coerces, threatens, relentlessly pursues, harasses, or intimidates another person" when:

(1) The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety;

(2) The solicitor intentionally blocks the path of the solicitee in such a manner as to block passage by another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact;

(3) The solicitor persists in following the solicitee closely, and continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct;

(4) Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for another purpose; or

(5) Approaching or following a person for solicitation as part of a group of two or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

(C) For the purposes of this section, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:

(1) The solicitor's making physical contact with the solicitee;

(2) The proximity of the solicitor to the solicitee;

(3) The duration of the solicitation; or

(4) The solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee. (Ord. 292 §4, 1977; Ord. 1459 §5, 2000)

Centennial

Sec. 10-13-10. Definitions.

For purposes of this Article, the following terms have the assigned meaning:

Median means that portion of a highway separating opposing traffic flows.

Roadway means that portion of a highway, street, avenue or other right-of-way improved, designed and ordinarily used for vehicular travel and includes shoulders, medians and areas designated for travel by bicycles or pedestrians.

Shoulder means that portion of a roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of roadbase and surface courses.

Soliciting means requesting in person, whether by spoken words, bodily gestures, written signs or other means, an immediate donation of money, employment or other thing of value. Purchase of an item for an amount exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Section.

Traveling means movement over any roadway and includes vehicles temporarily stopped for traffic lights, to make turns or otherwise engage in other actions related to movement upon the roadways. (Ord. 2013-O-26 §2)

Sec. 10-13-20. Unlawful to solicit occupants of vehicles.

(a) It shall be unlawful for any person to solicit or seek employment, business or sale of any kind, or collect monies for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

(1) Such solicitation, seeking or collection involves the person performing the activity to be on the roadway or to enter onto the roadway to complete the transaction; or (2) The person performing the activity is located or situated such that vehicles cannot move into a legal parking area to safely complete the transaction.

Colorado Springs

9.2.111: SOLICITATION PROHIBITED:

A. Purpose: The purpose of this section is to protect the health, safety and welfare of all citizens of the City and those who travel through the City by eliminating aggressive solicitation.

Aggressive solicitation is disturbing and disruptive to residents and businesses and impacts social harmony and economic viability of the City. It is not the purpose of this section to prohibit lawful solicitation activity, but to regulate behaviors that contribute to the loss of access to and enjoyment of public places and an enhanced sense of fear, intimidation and disorder.

B. Definitions:

AUTOMATED TELLER MACHINE: A device, linked to a financial institution's account record which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY: The area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.

OBSTRUCT: To hinder or slow progress, to retard progress, to make accomplishment of obtaining a goal slower or more difficult, to be or come in the way of or impede.

PUBLIC PLACE: A place to which the public or a substantial part of the public has access, including streets, highways, transportation facilities, schools, places of amusement, parks, playgrounds and the common areas of public and private buildings and facilities, including parking lots or any other area intended for use by the public. It shall include the front, entryway, doorway or vestibule or area of immediate access to any public place, store, shop, restaurant, tavern or other place of business.

SOLICITING: To knowingly approach, accost or stop another person in a public place and to make a request, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or other thing of value. Soliciting includes, but is not limited to, seeking a donation where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the purchase is in substance a donation, or begging or panhandling. Soliciting does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person, other than in response to an inquiry by that person.

C. Aggressive Soliciting Prohibited: It shall be unlawful for any person to:

1. Engage in aggressive soliciting in any public place. "Aggressive solicitation" is defined as:
 - a. Continuing to solicit from a person after the person has given a negative response to the soliciting;
 - b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
 - c. Intentionally blocking, obstructing or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact in the course of soliciting;
 - d. Using violent or threatening conduct toward a person solicited which would cause a reasonable person to be fearful for his or her safety;
 - e. Persisting in closely following or approaching the person being solicited and continuing to solicit after the person has informed the solicitor by words or conduct that the person does not want to be solicited or does not want to give money or any thing of value to the solicitor;
 - f. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited or would cause a reasonable person to be fearful for his or her safety;
 - g. Soliciting money from anyone who is waiting in line for tickets, for entry to a building or for another purpose;
 - h. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.
2. Solicit on any private or residential property after having been asked to leave, or refrain from soliciting, by the owner or other person lawfully in possession of the property.
3. Solicit within twenty feet (20') of any automated teller machine. Provided, however, that when an automated teller machine is located within an automated teller machine facility, the distance shall be measured from the entrance or exit of the facility.
4. Solicit in or upon any public transportation vehicle or public transportation facility within or at any bus stop or in any parking lot, structure or other parking facility.
5. Solicit within twenty feet (20') of an entrance to a building.
6. Solicit any person entering or exiting a parked motor vehicle or in a motor vehicle stopped on the street.

7. Solicit any person located within the patio or sidewalk area of a retail business establishment that serves food and/or drink.

8. Solicit after dark, which shall mean one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise.

9. Nothing in this subsection C shall be construed to prevent a person from acting in accord with a license or permit. (Ord. 02-214; Ord. 13-22)

Denver

Sec. 38-132. Panhandling.

(a) Definitions. For the purpose of this section:

(1) Aggressive panhandling shall mean:

a. Continuing to solicit from a person after the person has given a negative response to such soliciting;

b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

d. Using violent or threatening gestures toward a person solicited;

e. Persisting in closely following or approaching the person being solicited, with the intent of asking that person for money or other things of value, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any thing of value to the solicitor;

f. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;

g. Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for another purpose.

h. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

(2) Soliciting or Panhandling for purposes of this section are interchangeable and mean any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(3) Public place shall mean a place to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

(4) Financial institution shall mean any bank, industrial bank, credit union, or savings and loan as defined in Title 11 of the Colorado Revised Statutes.

(5) Automated teller machine shall mean a device, linked to a financial institution's account record which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(6) Automated teller machine facility shall mean the area comprised of one (1) or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

(b) Prohibited acts.

(1) No person shall engage in aggressive panhandling in any public place.

(2) No person shall panhandle on private or residential property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in possession of such property.

(3) No person shall panhandle within twenty feet of public toilets.

(4) No person shall panhandle within twenty (20) feet of any automated teller machine. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

(5) No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

(6) No person shall panhandle in any public transportation vehicle, or within twenty (20) feet of any bus, train, or light-rail station or stop, or within the bus transit lane on the 16th Street Mall, or in any public parking lot or structure.

(7) No person shall panhandle within six (6) feet of an entrance to a building.

(8) No person shall panhandle within twenty (20) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

(9) No person shall solicit or panhandle after dark, which shall mean one-half hour after sunset until one-half hour before sunrise.

(10) No person shall solicit or panhandle within twenty (20) feet of any outdoor patio where food or drink are served.

(Ord. No. 439-00, § 1, 6-5-00; Ord. No. 904-05, § 1, 12-5-05)

Fort Collins

Sec. 17-127. Panhandling.

(a) When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this Subsection (a):

(1) At-risk person shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A person with a disability shall mean, for purposes of this Paragraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairments. A substantial physical or mental impairment shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.

(2) Knowingly shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.

(3) Obscene shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

(4) Obstruct shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

(5) Panhandle shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.

(b) It shall be unlawful for any person to panhandle if such panhandling occurs:

(1) Any time from one-half (½) hour after sunset to one-half (½) hour before sunrise;

- (2) In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- (3) In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
- (4) In a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
- (5) In a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;
- (6) In a manner that involves the person panhandling knowingly soliciting an at-risk person;
- (7) On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- (8) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (9) On a public bus;
- (10) In a parking garage, parking lot or other parking facility; or
- (11) When the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink.

Greeley

10.24.045 Panhandling.

(a) Definitions. For the purpose of this Chapter:

Aggressive panhandling shall mean:

- a. Continuing to solicit from a person after the person has given a negative response to such soliciting;
- b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- d. Using violent or threatening gestures toward a person solicited, or persisting in closely following or approaching the person being solicited, with the intent of asking that person for money or other things of value, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or anything of value to the solicitor;
- e. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
- f. Soliciting money from anyone who is waiting in line for tickets, for entry to a building or for another purpose;

or

- g. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

Automated teller machine shall mean a device, linked to a financial institution's account record, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

Automated teller machine facility shall mean the area comprised of one (1) or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

Financial institution shall mean any bank, industrial bank, credit union or savings and loan as defined in Title 11, C.R.S.

Public place shall mean a place to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park or playground.

Soliciting or panhandling, for purposes of this Section, are interchangeable and mean any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Chapter. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(b) Prohibited acts.

(1) No person shall engage in aggressive panhandling in any public place.

(2) No person shall panhandle on private or residential property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in possession or control of such property.

(3) No person shall panhandle within twenty (20) feet of public toilets.

(4) No person shall panhandle within twenty (20) feet of any automated teller machine; provided, however, that, when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

(5) No person shall panhandle in any public transportation vehicle, within twenty (20) feet of any bus stop or in any public parking lot or structure.

(6) No person shall panhandle within twenty (20) feet of an entrance to a building.

(7) No person shall panhandle within twenty (20) feet of any pay telephone; provided that, when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

(8) No person shall solicit or panhandle after dark, which shall mean one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise.

(9) No person shall solicit or panhandle within twenty (20) feet of any licensed liquor establishment. Licensed liquor establishment means any business that has a license to sell malt, vinous or spirituous liquors under Title 12, C.R.S., or Chapter 6.16 of this Code.

(c) A violation of this Section is a misdemeanor infraction and shall be punishable under Chapter 1.32 of this Code.

(Ord. 40, 2012 §1; Ord. 27, 2010 §1; Ord. 27, 2006 §1)

Lafayette

None

Lakewood

9.50.120 Aggressive begging prohibited

A. No person shall engage in aggressive begging in any public place. Aggressive begging shall mean begging or soliciting accompanied by or followed immediately by one or more of the following:

1. Intentionally continuing to solicit from a person after the person has given a negative response to such solicitation;
2. Intentionally making any physical contact with or touching another person in the course of the solicitation without that person's consent;
3. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact in the course of soliciting;
4. Intentionally using violent or threatening gestures toward a person solicited which would cause a reasonable person to be fearful for his or her safety;
5. Persisting in closely following behind or alongside, or walking immediately ahead of a person who has been solicited with the intent of asking that person for money or other things of value, after the person solicited has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or anything of value to the solicitor;
6. Intentionally using profane, threatening, or abusive language, either during the solicitation or following a refusal to make a donation, which tends to invite an immediate breach of the peace;
or
7. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage or loss of property or otherwise to be intimidated into giving money or other thing of value.

B. This Section shall not apply to conduct that is regulated by either Chapter 12.17 or Chapter 12.18 of the Lakewood Municipal Code. (Ord. O-2004-36 § 1, 2004).

9.50.130 Begging in certain locations prohibited

A. No person shall beg on private property if the owner, tenant, or person in lawful control of the property has asked the person to leave or has asked the person to refrain from soliciting on the

property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

B. No person shall beg when either the beggar or the person being solicited is located within twenty (20) feet of any automated teller machine. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.

C. No person shall beg when either the beggar or the person being solicited is located in any public transportation vehicle or within twenty (20) feet of any bus or light-rail station or stop.

D. No person shall beg in any parking lot or parking structure to which the public or a substantial number of the public has access.

E. No person shall beg within six (6) feet of an entrance to a building to which the public has access.

F. No person shall beg when the person being solicited is located within the patio or sidewalk area of a retail business establishment that serves food and/or beverages.

G. No person shall beg in a public place during the night. Night shall mean one-half hour after sunset until one-half hour before sunrise.

H. No person shall beg when either the beggar or the person being solicited is located within twenty (20) feet of a public toilet.

I. No person shall beg when either the beggar or the person being solicited is located within twenty (20) feet of any pay telephone provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

J. No person shall beg when the person being solicited is waiting in line for tickets, for entry into a building, or for another purpose.

K. For the purposes of this Section, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

1. Automated teller machine shall mean a device, linked to a financial institution's account record which is able to carry out transactions, including, but not limited to account transfers, deposits, cash withdrawals, balance inquires, and mortgage and loan payments.

2. Automated teller machine facility shall mean the area comprised of one (1) or more automatic teller machines, and any adjacent space, which is made available to banking customers after regular banking hours.

3. Begging or soliciting are interchangeable terms and shall mean any solicitation made in person requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Section. Begging does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

4. Financial institution shall mean any bank, industrial bank, credit union, or savings and loan as defined in Title 11 of the Colorado Revised Statutes.

5. Public place shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

L. This Section shall not apply to conduct that is regulated by either Chapter 12.17 or Chapter 12.18 of the Lakewood Municipal Code. (Ord. O-2012-8 § 7, 2012; Ord. O-2004-36 § 2, 2004; Ord. O-97-40 § 1, 1997; Ord. O-97-13 § 6, 1997).

Longmont

10.20.010. Aggressive begging.

No person shall beg aggressively for a gift of money or any thing of value on any public street, sidewalk, way, mall, park, building or other public property while in close proximity to the individual addressed. Aggressive begging means begging accompanied by or followed immediately by one or more of the following:

- A. Repeated requests after a refusal by the individual addressed;
- B. Blocking the passage of the individual addressed;
- C. Addressing fighting words to the individual addressed; or
- D. Touching the individual addressed.

(Code 1993, § 10.20.010; Ord. No. O-92-51, § 1)

11.38.010. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Median means the area of a street, generally in the middle, which separates traffic traveling in one direction from traffic traveling in another direction, or which, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by curbing, landscaping, or other physical obstacles, to the area's use by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, which are wider than a double yellow line); or the area of a street at an intersection between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping, or other physical obstacles to the area's use by motor vehicles (also known as a right turn island).

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereon is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state, except the area intended for pedestrian travel, such as a sidewalk.

(Code 1993, § 11.38.010; Ord. No. O-2003-82, § 1)

11.38.020. Solicitation in or near street or highway.

A. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

B. It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when the person performing the activity:

1. Enters onto the traveled portion of a street or highway; or
2. Is located upon any median; or
3. Is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

Louisville

Sec. 12.20.100. Solicitation on or near street or highway.

A. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

B. It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection:

1. Causes the person performing the activity to enter onto the traveled portion of a street or highway.
2. Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.
3. The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on U.S. Highway 36 and State Highway 42 including any entrance to or exit from such highway.

D. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

E. Any person who violates any provision of this section shall be subject to the penalty provided in section 1.28.010.

(Ord. No. 1311-1999, § 1, 11-3-99)

Loveland

Chapter 9.30 PROHIBITED SOLICITATIONS

Sections:

9.30.010 Definitions

9.30.020 Panhandling Restricted

9.30.030 Panhandling and Solicitations on or Near Public Streets and Highways

9.30.010 Definitions

When used in this Chapter, the following words, terms and phrases shall have the meanings ascribed to them herein:

A. At-risk person shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A person with a disability shall mean, for the purposes of this subparagraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person that he would be without such physical or mental impairments. A substantial physical or mental impairment shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of or severe diminishment of, hearing; loss of or severe diminishment in the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.

B. Knowingly shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.

C. Obscene shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

D. Obstruct shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

E. Panhandle shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.

F. School grounds shall mean all buildings that are owned, leased, rented, or otherwise used by a school for instruction, administration support services, maintenance, or storage and the grounds surrounding such buildings over which the school is authorized to exercise dominion or control.

G. Traveled portion of a street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

9.30.020 Panhandling Restricted

It shall be unlawful for any person to panhandle if such panhandling occurs:

A. any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;

B. in a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;

C. in a manner that involves the person panhandling knowingly directing fighting words to the person solicited;

D. in a manner that involves the person panhandling knowingly touching or grabbing the person solicited;

E. in a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;

F. in a manner that involves the person panhandling knowingly soliciting an at-risk person;

G. on a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;

H. within one hundred (100) feet of an automatic teller machine or of a bus stop;

I. on a public bus;

J. in a parking garage, parking lot or other parking facility;

K. when the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink; or

L. on, or within one hundred (100) feet of any school grounds.

9.30.030 Panhandling and Solicitations on or Near Public Streets and Highways

A. It shall be unlawful for any persons to panhandle or to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

1. such panhandling, solicitation or collection involves the person performing the activity to enter onto the traveled portion of a public street or highway to complete the transaction, including, without limitation, entering onto bike lanes, street gutters or vehicle parking areas;

or

2. such panhandling, solicitation or collection involves the person performing the activity being located upon any median area of the traveled portion of a public street or highway which separates traffic lanes for vehicular travel; or

3. the person performing the activity is located such that vehicles cannot move into a legal parking area to safely complete the transaction.

B. Notwithstanding the provisions of paragraph A. above, it shall be unlawful for any person to panhandle or to solicit or attempt to solicit employment, business, or contributions of any kind directly from the occupant of any vehicle on any highway included in the interstate or state highway system, including any entrance to or exit from such highway. (Ord. 5584 § 1, 2011; Ord. 4955 § 1, 2005)

Pueblo

None

Superior

Sec. 10-7-30. Loitering.

(a) For purposes of this Section, loiter means to be dilatory, to stand idly, to linger, to lie or wander about or to remain, abide or tarry in a public place.

(b) It is unlawful for a person to loiter in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on school grounds, unless such person has a legitimate reason for his or her presence or written permission from a school administrator.

(c) It is unlawful for a person to loiter for the purpose of soliciting employment, business, contributions or sales of any kind, or to collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a road, street or highway;

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(d) It is unlawful for a person to loiter for the purpose of soliciting employment, business, contributions or sales of any kind, or to collect monies for the same, from the occupant of any vehicle on any highway included in the interstate system or federal highways, including any entrance to or exit from any highway.

(e) Nothing in this Section shall be construed to prevent lawful assembly as a part of peaceful and orderly petition for the redress of grievances. (Ord. 96-O-4 §1, 1996; Ord. O-14 §1, 2002; Ord. O-18 §1, 2002; Ord. O-4 §1, 2009)

Thornton

Sec. 38-207. Blocking streets or sidewalks; solicitation on streets or highways.

(a) The purpose of this section is to prevent dangers to persons, including juveniles placed in hazardous situations, and to property, to prevent delays, and to avoid interference with pedestrian and traffic flow. Roadways that have center medians are designed to deal with specific traffic flow problems not for the solicitation or selling of goods. Any delay or distraction to motorists traveling on such roadways or highways may interfere with traffic planning. Sidewalks are designed to transport pedestrians safely and efficiently and any obstruction that impedes travel disturbs planned pedestrian flow.

(b) It shall be unlawful for any person to block any street or sidewalk in such manner as to hinder or impede the passage of pedestrians or vehicles over, on or along the street or sidewalk.

(c) It shall be unlawful for any person to solicit employment or contributions, conduct business, or conduct sales of any kind, or collect monies for the same, from the occupant of any vehicle when such vehicle is traveling upon any street or highway located within the city when such solicitation or collection or when conducting such business:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway.

(2) Involves the person performing the activity to be located upon any median area of a street or highway, which median area separates traffic lanes for vehicular travel in opposite directions.

(3) The person performing the activity is located where such person obstructs the free flow of traffic and/or where vehicles cannot move into legal parking areas.

(d) It shall be unlawful for any person to solicit or attempt to solicit employment or contributions or conduct business of any kind from or with an occupant of any vehicle on any highway included in the interstate system, including any entrance to or exit from such highway.

(e) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(f) It shall be an exception to the prohibitions contained in subsection (c) of this section that the persons in or on the traveled portion of a street or highway are police officers acting within the course and scope of their duties, or construction workers permitted by the city to conduct business in or on the traveled portion of a street or highway.

(g) A report of any conviction, plea of guilty or nolo contendere to this section, when the facts indicate a juvenile was involved, shall be sent to the Adams County Department of Social Services.

Westminster

9-4-1: SOLICITATION ON OR NEAR STREET OR HIGHWAY:

(A) The purpose of this Chapter is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

(B) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection either:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway.

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(C) It shall be unlawful for any person to solicit or attempt to solicit employment, business, contributions or sales of any kind, or collect monies for the same, from the occupant of any vehicle on any highway included in the interstate system including any entrance to or exit from such highway.

(D) For purposes of this Chapter, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(E) A violation of this Chapter is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE:

Consideration of a motion to adopt on third reading Ordinance No. 7967 amending Sections 4-20-60, "Voice and Sight Control Evidence Tag Fees," 6-13-2, "Voice and Sight Control Evidence Tag Required," and 6-13-4, "Voice and Sight Control Evidence Tag Requirements;" repealing Section 6-13-5, "Revocation And Reinstatement of Voice and Sight Control Evidence Tags upon Violations," and replacing it with a new Section 6-13-5, "Terms of Voice And Sight Control Evidence Tag," B.R.C. 1981; amending Section 6-1-16, "Dogs Running at Large Prohibited," Section 6-1-20, "Aggressive Dogs Prohibited," and Section 8-3-5, "Wildlife Protection," B.R.C. 1981, and setting forth related details.

PRESENTERS:

Jane S. Brautigam, City Manager
Michael D. Patton, Director, Open Space and Mountain Parks
Stephen B. Armstead, Environmental Planner
Janet T. Michels, Sr. Assistant City Attorney

EXECUTIVE SUMMARY

The purpose of this memorandum is to present the third reading of an ordinance that will change sections of the Boulder Revised Code 1981 (B.R.C.) relevant to the Voice and Sight Tag (Tag) Program. The recommended changes result from an 18-month evaluation of the Tag Program and integrate City Council, Open Space Board of Trustees (OSBT), community and staff recommended changes.

The first reading of the ordinance occurred on March 5, 2014. The second reading began on April 1, 2014 and continued to April 16, 2014 at which time, City Council unanimously accepted a motion to adopt the amended ordinance language (Attachment A) and recommended changes to the Tag Program (Attachment B).

At the April 1 meeting, City Council concluded the public hearing and initial discussion of the ordinance and directed staff to make several changes that will remove elements dealing with the process by which voice and sight privileges will be automatically suspended and adding language to convey council's intent to provide guidance to the municipal court of a range of penalties in addition to fines for voice and sight related convictions. The changes were incorporated into the recommended ordinance language which City Council approved on April 16, 2014.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt on third reading Ordinance No. 7967 amending Sections 4-20-60, "Voice and Sight Control Evidence Tag Fees," 6-13-2, "Voice and Sight Control Evidence Tag Required," and 6-13-4, "Voice and Sight Control Evidence Tag Requirements;" repealing Section 6-13-5, "Revocation And Reinstatement of Voice and Sight Control Evidence Tags upon Violations," and replacing it with a new Section 6-13-5, "Terms of Voice And Sight Control Evidence Tag," B.R.C. 1981; amending Section 6-1-16, "Dogs Running at Large Prohibited," Section 6-1-20, "Aggressive Dogs Prohibited," and Section 8-3-5, "Wildlife Protection," B.R.C. 1981, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Overall economic impacts on the business community are unknown. Businesses and organizations providing dog training services may benefit from dog guardians who seek training services to improve their ability to comply with voice and sight control requirements.
- Environmental: The Tag Program was identified in the 2005 Visitor Master Plan (VMP) as a way to increase the level of compliance with voice and sight requirements thereby reducing adverse effects to Open Space and Mountain Parks' (OSMP) ecological and agricultural resources.
- Social: Revisions to the Tag Program are intended to support changes that will retain voice and sight control opportunities and reduce illegal or disruptive behaviors. It is expected that this will improve the quality of the visitor experience on city OSMP lands.

OTHER IMPACTS

- Fiscal: Budgetary impacts to the city will depend upon enrollment in the program, which is designed to be "cost-neutral" based upon enrollments of approximately 20,000 individuals and their dogs.
- Staff time: Additional and significant staff resources will be required by the proposed program changes. Those additional FTEs for OSMP are included in the "cost-neutral" projections and fee structure.

BACKGROUND

The Tag Program was described in the VMP as an experiment. The program was implemented adaptively (per the guiding principles of the VMP) with the objectives of improving awareness of the requirements of voice and sight control and improving compliance with voice and sight control regulations. A monitoring component was part of the program and provided information about whether the program was successfully achieving its objectives.

Staff evaluated and recommended changes for several reasons:

- City Council identified the Tag Program among a number of overarching issues for OSMP staff review in response to concerns about the long-term sustainability of visitor services and environmental resources,
- The OSBT recommended that staff examine potential revisions to the Tag Program,
- Dog and off-leash related conflicts remain one of the top sources of conflict reported by visitors to OSMP, and
- Monitoring concluded that several compliance factors revealed results lower than standards set in the VMP and that these measures did not show decreases in indices of conflict over time.

The staff evaluation of the Tag Program was based on monitoring results and subsequent discussion with OSBT and council, as well as feedback from the public and stakeholder groups. That evaluation and feedback led to the development of program improvement options, of which several require changes to the B.R.C.

A summary of the recommended program changes are available in Attachment B.

PUBLIC FEEDBACK

OSMP has received nearly 400 comments from the public about the Tag Program and has held two open houses (May 24 and 30, 2012), as well as six public hearings for community members to provide input on the evaluation and proposed program changes. A compendium of these comments can be found at: <http://bouldercolorado.gov/links/fetch/13869>. Over forty individuals provided comment at the public hearing for the second reading of the ordinance on April 1, 2014.

COUNCIL DIRECTION FROM THE SECOND READING

The second reading for proposed modifications to the Voice and Sight Program was held on April 1, 2014 and continued to April 16, 2014. Ten specific staff recommended enhancements were presented to City Council and public comment was taken. Council directed that the meeting be continued on April 16 and directed staff to make the following specific changes to the original proposal:

- 1) Add three education and outreach strategies (see Attachment B; Item 1).
 - Increase focus on education at major trailheads
 - More focused ranger patrol
 - Explore more strategic placement of signs and waste cans

- 2) Modify Item 4 (*Information Session*) to reflect that the refresher course would be available as an on-line refresher and include an on-line test.
- 3) Remove the elements of the staff recommendation dealing with the process by which a guardian's voice and sight privileges would be automatically suspended for violations of voice and sight related ordinances.
- 4) Remove the pre-existing ordinance language that resulted in automatic suspension of voice and sight privileges (see Attachment A).
- 5) Add language to the voice and sight related ordinances that provided guidance to the municipal court about the types of penalties for voice and sight related convictions (Attachment A).

On April 16, 2014 the city attorney addressed a question raised by City Council regarding the applicability and inclusion of "dog guardians" B.R.C. Section 6-13-2 (Voice and Sight Control Evidence Tag Required). A dog guardian is defined in the code as the owner of a dog. The concern was that the use of the term guardian would limit individuals other than the guardian who may have responsibility for the dog from participating in the Tag Program and walking the dog off leash. The city attorney proposed that City Council consider an amendment to add the term "keeper" to this section of the code. A keeper is defined as a person with custodial or supervisory authority or control over a dog. Including both "guardian and keeper" in Section 6-13-2 provides clarity that either a guardian or a keeper could apply for and display a program tag (see Attachment A).

On April 16, 2014 City Council unanimously passed a motion to accept the proposed ordinance with the amended language proposed by the city attorney and that staff implement Items 1-5 of Attachment B regarding changes to the Tag Program.

NEXT STEPS

The proposed effective date for the new program requirements contained in the ordinance is Jan. 1, 2015. This date will allow for the completion of pre-change compliance monitoring and to ensure that components for implementing program changes are in place prior to implementation.

ATTACHMENTS

- A. Ordinance No. 7967
- B. Summary of Voice and Sight Tag Program Recommendations

ORDINANCE NO. 7967

AN ORDINANCE AMENDING SECTIONS 4-20-60, "VOICE AND SIGHT CONTROL EVIDENCE TAG FEES," 6-13-2, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIRED," AND 6-13-4, "VOICE AND SIGHT CONTROL EVIDENCE TAG REQUIREMENTS;" REPEALING SECTION 6-13-5, "REVOCATION AND REINSTATEMENT OF VOICE AND SIGHT CONTROL EVIDENCE TAGS UPON VIOLATIONS," AND REPLACING IT WITH A NEW SECTION 6-13-5, "TERMS OF VOICE AND SIGHT CONTROL EVIDENCE TAG," B.R.C. 1981; AMENDING SECTION 6-1-16, "DOGS RUNNING AT LARGE PROHIBITED," SECTION 6-1-20, "AGGRESSIVE DOGS PROHIBITED," AND SECTION 8-3-5 "WILDLIFE PROTECTION," 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 4-20-60, B.R.C. 1981, is amended to read:

4-20-60. Voice and Sight Control Evidence Tag Fees.

~~(a) An applicant for a Voice and Sight Control Evidence Tag shall pay the fee established by the city manager rule pursuant to section 8-3-3, "City Manager May Issue Rules," B.R.C. 1981, who is a resident of the City of Boulder shall pay an application fee of \$15.00, and a nonresident shall pay an application fee of \$18.75. Additional Voice and Sight Control Evidence Tags may be provided to persons who reside in the same household as the applicant upon payment of a duplicate tag fee of \$5.00.~~

~~(db) The supplemental fee pursuant to Section 6-13-5, "Suspension and Reinstatement of Voice and Sight Control Evidence Tags Upon Violations," B.R.C. 1981, shall be \$50.00, regardless of residency.~~

Section 2. Section 6-13-2, B.R.C. 1981, is amended to read:

6-13-2. Voice and Sight Control Evidence Tag Required.

(a) In addition to and in conjunction with the requirements of Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981, any dog guardian or keeper who desires to accompany a dog without a leash held by a person shall apply for and obtain a Voice and Sight Control Evidence Tag pursuant to the procedures and requirements established by this chapter.

(b) Any dog guardian or keeper who accompanies a dog without a leash held by a person shall cause such dog to wear and visibly display a current, lawfully obtained and displayed Voice

1 and Sight Control Evidence Tag at all times when the dog is present on ~~open space and~~
 2 ~~mountain parks~~City of Boulder lands where voice and sight control is permitted under
 Section 6-1-16, "Dogs Running at Large Prohibited," B.R.C. 1981.

- 3 (c) The city manager may promulgate guidelines, forms, or informational materials that are
 4 necessary or desirable to assist with implementation of this chapter or its legislative intent.
- 5 (d) The maximum penalty for a first conviction is a fine of ~~\$50.00~~100.00. For a second
 6 conviction within two years, based upon the date of the first violation, the maximum penalty
 7 shall be a fine of ~~\$100.00~~200.00. For a third and each subsequent conviction, within two
 8 years based upon the date of the first violation, the ~~maximum~~-minimum penalty shall be a
 9 fine of not less than ~~\$200.00~~300.00. The municipal court may impose any of the conditions
 10 reasonably related to the violation for a suspended sentence or probation as provided in
 11 Section 2-6-37, "Sentence, Execution and Writ of Commitment, Suspension, Probation, or
 12 Default," B.R.C. 1981. The court may impose conditions that include without limitation
attendance at classes related to the voice and sight control regulations of the city, evaluation
or training of the dog to ensure that it is capable of complying with voice and sight control
requirements, or the temporary suspension or permanent revocation of voice and sight
control privileges.
- 13 (e) It is an affirmative defense to a charge of violating this Section that the dog and guardian
 14 were currently registered participants in the Voice and Sight Control program and this charge
 15 was the guardian's first violation for not displaying a Voice and Sight Control Evidence Tag.

16 **Section 3.** Section 6-13-4, B.R.C. 1981, is amended to read:

17 **6-13-4. Voice and Sight Control Evidence Tag Requirements.**

- 18 (a) Before a Voice and Sight Control Evidence Tag shall be issued, the applicant shall ~~certify,~~
 19 ~~under penalty of perjury, the following facts:~~
- 20 (1) Provide a valid City of Boulder dog license, or if the applicant is not a City of
 21 Boulder resident, provide proof of current rabies vaccination as provided in Section
 22 6-1-3, "Rabies Vaccinations," B.R.C. 1981, for each dog being registered;
- 23 (2) ~~The applicant has watched (or listened to if visually impaired) a video~~Provide proof
 24 of attendance, within the preceding five years, of a presentation on voice and sight
 25 control of a dog, prepared by the city and provided to the applicant by the city or its
 26 designated agents; and
- (3) ~~Agree~~ The applicant agrees to control any dog accompanying the applicant without a
leash held by a person on certain ~~open space and mountain parks~~City of Boulder
lands where voice and sight control is permitted under Section 6-1-16, "Dogs
Running at Large Prohibited," B.R.C. 1981, in the manner described in the ~~video~~
presentation on voice and sight control of a dog and consistent with the requirements
of the Boulder Revised Code.

1 **Section 4.** Chapter 6-13, B.R.C. 1981, is amended by the repeal of Section 6-13-5, as
 2 follows:

3 ~~**6-13-5. Revocation and Reinstatement of Voice and Sight Control Evidence Tags Upon**~~
 4 ~~**Violations.**~~

- 5 ~~(a) Upon a third conviction for violation of Section 6-1-16, "Dogs Running at Large~~
 6 ~~Prohibited," B.R.C. 1981, occurring on land owned by the city and constituting~~
 7 ~~park land or open space land within two years of the date of the first violation,~~
 8 ~~the right to display any Voice and Sight Control Evidence Tag shall be revoked~~
 9 ~~automatically, but may be reinstated through the following procedures:~~
- 10 ~~(1) Payment of a supplemental fee established in Subsection 4-20-60(b), B.R.C.~~
 11 ~~1981, in addition to the fees established by Section 6-13-3, "Voice and Sight~~
 12 ~~Control Evidence Tag Application," B.R.C. 1981, and prescribed by Subsection~~
 13 ~~4-20-60(a), B.R.C. 1981, for an initial application (and in addition to any fines~~
 14 ~~imposed under Section 6-1-16, "Dogs Running at Large Prohibited," or~~
 15 ~~Subsection 6-13-2(d), B.R.C. 1981;~~
- 16 ~~(2) Providing written proof of attendance at a City of Boulder sanctioned and~~
 17 ~~monitored showing of the video presentation on voice and sight control of a dog;~~
- 18 ~~(3) Providing written proof of attendance at and successful completion of a voice~~
 19 ~~and sight control certification course approved by the City of Boulder; and~~
- 20 ~~(4) Certification by the applicant for reinstatement that he or she agrees to control~~
 21 ~~any dog accompanying the guardian without a leash held by a person on certain~~
 22 ~~open space and mountain parks lands in the manner described in the video~~
 23 ~~presentation on voice and sight control of a dog.~~

24 **Section 5.** Chapter 6-13, B.R.C. 1981, is amended by the addition of a new section 6-13-
 25 5 to read:

26 ~~**6-13-5. Terms of Voice and Sight Control Evidence Tag.**~~

~~The voice and sight control evidence tag issued under Section 6-13-4 shall be valid for a term of~~
 one calendar year and expire on December 31. ~~Renewal of Voice and Sight Control Evidence~~
 Tags is subject to the fees established under Section 4-20-60, "Voice and Sight Control Evidence
 Tag Fees" B.R.C. 1981. ~~The applicant shall apply for renewal of the Voice and Sight Control~~
 Evidence Tag no later than February 1 of the year immediately succeeding the year in which the
 license expired. ~~Voice and Sight Control Evidence Tags issued prior to December 31, 2014 shall~~
 expire on December 31, 2014.

Section 6. Section 6-1-16, B.R.C. 1981, is amended to read:

1 **6-1-16. Dogs Running at Large Prohibited.**

2 (a) No person owning or keeping any dog shall fail to keep the dog on the premises of the
3 guardian or keeper unless the dog is:

4 (1) On a leash held by a person; or

5 (2) Within a vehicle or similarly physically confined and without access to passers-by.

6 (b) No person owning or keeping any dog shall fail to keep the dog on a leash held by a person
7 within any area where a rule enacted by the city manager for the protection of wildlife
8 prohibits dogs off leash.

9 (c) No person owning or keeping any dog shall fail to keep that dog from entering any area
10 where a rule enacted by the city manager for the protection of wildlife or natural resources
11 prohibits dogs.

12 (bd) The maximum penalty for a first conviction of this section is a fine of \$100. For a ~~or~~ second
13 conviction within two years, based on date of violation, the maximum penalty shall be is-a
14 fine of \$2500.00. For a third and each subsequent conviction within two years based upon the
15 date of the first violation, the minimum penalty shall be a fine of not less than \$300.00. ~~The
16 minimum fine for a conviction under this ordinance for a guardian who has their Voice
17 and Sight Tag suspended under Section 6-13-5, "Suspension and Reinstatement of
18 Voice and Sight Control Evidence Tags Upon Violations, B.R.C. 1981 shall be \$300.00.~~
19 the general penalty provisions of section 5-2-4, "General Penalties," B.R.C. 1981, shall
20 apply. The maximum penalty for a first conviction occurring on land owned by the city and
21 constituting park land or open space land is a fine of \$50.00. For a second conviction within
22 two years, based upon the date of violation, the maximum penalty shall be a fine of \$100.00.
23 For a third and each subsequent conviction, the maximum penalty shall be a fine of not less
24 than \$200.00. The municipal court may impose any of the conditions reasonably related to
25 the violation for a suspended sentence or probation as provided in Section 2-6-37, "Sentence,
26 Execution and Writ of Commitment, Suspension, Probation, or Default," B.R.C. 1981. For
violations that occur on land owned by the city and constituting open space or other city
property where voice and sight control is permitted under Section 6-1-16, "Dogs Running at
Large Prohibited," B.R.C. 1981, the court may impose conditions that include without
limitation attendance at classes related to the voice and sight control regulations of the city,
evaluation or training of the dog to ensure that it is capable of complying with voice and
sight control requirements, or the temporary suspension or permanent revocation of voice
and sight control privileges.

(ce) It is an affirmative defense to a charge of violation of this section that the dog was:

...

Section 7. Section 6-1-20, B.R.C. 1981, is amended to read:

6-1-20. Aggressive Animals Prohibited.

- 1 (a) No person shall own or keep any aggressive animal. An aggressive animal is one that bites,
2 claws, or attempts to bite or claw any person; bites, injures, or attacks another animal; or in a
3 vicious or terrorizing manner approaches any person or domestic animal in an apparent
4 attitude of attack, whether or not the attack is consummated or capable of being
5 consummated.
- 6 (b) It is a specific defense to the charge of owning or keeping an aggressive animal that the
7 person who was bitten, clawed, injured, or approached by the aggressive animal was:
8 (1) Attacking the aggressive animal or intentionally provoking the aggressive animal;
9 (2) Unlawfully engaging in entry into or upon a fenced or enclosed portion of the
10 premises upon which the aggressive animal was lawfully kept or upon a portion of
11 the premises where the aggressive animal was lawfully tethered;
12 (3) Engaging in unlawful entry into or unlawfully in or upon a vehicle in which the
13 aggressive animal was confined;
14 (4) Attempting to assault another person;
15 (5) Attempting to stop a fight between the aggressive animal and any other animal; or
16 (6) Attempting to aid the aggressive animal when it was injured.
- 17 (c) The following specific defenses apply to the charge of owning or keeping an aggressive
18 animal:
19 (1) The aggressive animal was defending itself, its young, or its guardian or keeper from
20 an attack by another animal or a person.
21 (2) The animal that was bitten, injured, or attacked:
22 (A) had entered onto the premises of the aggressive animal; or
23 (B) had entered into a vehicle in which the aggressive animal was confined.
- 24 (d) Nothing in this section shall entitle a person charged with violating this section to present
25 evidence of previous incidents involving the bitten, injured, or attacked animal.
- 26 (e) It shall not be a defense to owning or keeping an aggressive animal that the person who was
attacked, bitten, injured, or approached in a vicious or terrorizing manner was a peace officer.
- (f) For the purposes of this section, a person is lawfully upon the premises of a guardian or
keeper when such person is on said premises in the performance of any duty imposed by law
or by the express or implied invitation of the owner of such premises or the owner's agent.
- (g) Penalties for violations of this section shall be based on the general penalties provisions of
Section 5-2-4, "General Penalties," B.R.C. 1981. The municipal court may impose any of
the conditions reasonably related to the violation for a suspended sentence or probation as
provided in Section 2-6-37, "Sentence, Execution and Writ of Commitment, Suspension,
Probation, or Default," B.R.C. 1981, including, without limitation attendance at classes

related to the voice and sight control regulations of the city, evaluation or training of the dog to ensure that it is capable of complying with voice and sight control requirements, or the temporary suspension or permanent revocation of voice and sight control privileges.

Section 8. Section 8-3-5, B.R.C. 1981, is amended to read:

8-3-5. Wildlife Protection.

(a) No person shall hunt, trap, net, impede, harass, molest, chase, kill, or remove any wildlife or livestock or damage, destroy, or remove any nest, burrow, or animal dwelling from any park, recreation area, or open space or other property of the city, including, without limitation, any street or other right of way controlled or maintained by the city, except pursuant to a written permit from the city manager for scientific purposes, or pursuant to the provisions of Chapter 6-1, "Animals," B.R.C. 1981, or when necessary to protect the public health, safety, and welfare or except for hunting and trapping allowed by the city manager in designated areas for game management. As to livestock, this prohibition does not apply to any lessee of such property managing its livestock on the leasehold, nor to any person driving herds of livestock along streets.

(b) No owner or keeper of a dog shall negligently allow or direct such dog to harass wildlife or livestock, whether or not the wildlife is actually injured by such dog, within any park, recreation area, or open space, or other property of the city, including, without limitation, any street or other right of way controlled or maintained by the city. This prohibition does not apply to any lessee of such property using a working dog to control livestock on the leasehold.

(c) The provisions of this section do not apply to the felonious hunting or taking or soliciting the same, of big game, eagles, or endangered species or to detaching or removing trophy or other selected parts with the intent to abandon the carcass

(d) Penalties for violations of this section shall be based on the general penalties provisions of Section 5-2-4, "General Penalties," B.R.C. 1981. The municipal court may impose any of the conditions reasonably related to the violation for a suspended sentence or probation as provided in Section 2-6-37, "Sentences, Execution and Writ of Commitment, Suspension, Probation, or Default," B.R.C. 1981, including, without limitation attendance at classes related to the voice and sight control regulations of the city, evaluation or training of the dog to ensure that it is capable of complying with voice and sight control requirements, or the temporary suspension or permanent revocation of voice and sight control privileges.

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

Section 10. This ordinance shall be effective January 1, 2015. This effective date will allow for the completion of baseline monitoring of pre-change compliance and ensure that components for implementing the ordinance are in place prior to implementation.

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 4th day of March, 2014.

Mayor

Attest:

City Clerk

READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
TITLE ONLY this 16th day of April, 2014.

Mayor

Attest:

City Clerk

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

2 BY TITLE ONLY this 6th of May, 2014.

5 _____
Mayor

6 Attest:

7 _____
8 City Clerk

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Revised Voice and Sight Tag Program Recommendations

#	Recommendation
1	<p>Implement the following education and outreach strategies:</p> <ul style="list-style-type: none"> a) Increase outreach and education about training opportunities b) Support stakeholder efforts c) Create refresher videos on requirements, etiquette or issues that will be phased in based on time and cost d) Use traditional and social media to provide instructive educational information to participants e) Provide educational walks for dogs and dog guardians on a trial basis f) Improve clarity and information on signs g) Distribute palm cards explaining the Tag Program h) Increase outreach and education to visitors without dogs about voice and sight control and what to expect i) Consider under specific conditions and on well-suited OSMP properties, opportunities for special voice and sight control training events j) Encourage dog guardians to become volunteer Trail Guides and provide additional training for outreach with a dog k) Participate in more dog-related outreach events; consider organizing another “Tag Wag” type event l) Promote information on dog-prohibited trails and add this information on the OSMP Website m) Train all staff on the new regulations for informal educational opportunities n) Increase focus on major trailheads o) Provide more focused Ranger patrol p) Consider more strategic placement of signs and waste cans
2	<p>Require proof of current rabies vaccination for all dogs to be registered in the program. City of Boulder residents are required to provide a valid City of Boulder dog license as proof of current rabies vaccination.</p> <p>Require that all dogs on OSMP lands display a valid rabies vaccination tag.</p>
3	<p>The program registration and annual renewal fees will include a graduated fee structure for residents of the City of Boulder, residents of Boulder County outside the City of Boulder, and noncounty residents.</p> <p>Program registration fees:</p> <ul style="list-style-type: none"> • City of Boulder Residents (\$13), • Boulder County residents outside the City of Boulder (\$33), • Non-Boulder County residents (\$75), and • The registration fee includes one guardian and one dog; the fee for each additional guardian in a household is (\$5) and the fee for each additional dog in a household is (\$10).

Revised Voice and Sight Tag Program Recommendations

#	Recommendation
	<p>Annual household renewal fee:</p> <ul style="list-style-type: none"> • City of Boulder Residents (\$5), • Boulder County residents outside the City of Boulder (\$20), and • Non-Boulder County residents (\$30). <p>The additional guardian and dog registration fees will be waived for City of Boulder households who meet income criteria consistent with the City of Boulder Food Tax Rebate Program or the Parks and Recreation Reduced Rate Program.</p>
<p align="center">4</p>	<p>Require all program participants attend an information session. Program participants must attend a session before they can register in the program. The information session will include as part of the content a revised and updated voice and sight video. Program participants must complete an online refresher education course at least every five years. The refresher will include an on-line test to establish that participants understand the Voice and Sight Tag Program requirements.</p>
<p align="center">5</p>	<p>Increase fines for Voice and Sight Evidence Tag Required (B.R.C. 6-13-2) and Dog at Large violations (B.R.C. 6-1-16) to \$100 (maximum), \$200 (maximum), and \$300 (minimum) for first, second and third or more convictions respectively. Provide mechanism for dismissal of tickets for lawful participants who inadvertently failed to display tag.</p> <p>Recommend to the municipal court that the bond amount for dog-related City Manager’s Rule violations (B.R.C. 8-3-3) be increased to \$100.</p>
<p align="center">6</p>	<p>Encourage courts to order such additions to fines for violations of the following ordinances:</p> <ul style="list-style-type: none"> • Voice and Sight Evidence Tag Required (B.R.C. 6-13-2) • Dog at Large violations (B.R.C. 6-1-16) • Aggressive Animal Prohibited (B.R.C. 6-1-20), and • Failure to Protect Wildlife (or livestock) (B.R.C. 8-3-5) <p>The court may impose conditions that include without limitation attendance at classes related to the voice and sight control regulations of the city, evaluation or training of the dog to ensure that it is capable of complying with voice and sight control requirements, or the temporary suspension or permanent revocation of voice and sight control privileges.</p>



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Consideration of a motion to approve the purchase of 44 acres of land, the mineral estate and 44 shares of Left Hand Water located at 7204 N. 45th St. from the Berman Brothers for \$1,375,000 for Open Space and Mountain Parks purposes.

PRESENTER/S

Jane S. Brautigam, City Manager
Michael D. Patton, Director, Open Space and Mountain Parks
James Schmidt, Property Agent

EXECUTIVE SUMMARY

The Berman Brothers property is a 44-acre holding along N. 45th Street in Boulder County approximately six miles from central Boulder (See Attachments A and B). This is a property which Open Space and Mountain Parks (OSMP) has actively pursued acquiring for over 15 years. The purchase price is \$1,375,000 payable at the time of closing. Along with the land, the city is acquiring the mineral estate and 44 shares of Left Hand Water. The water rights are worth approximately \$200,000 and the mineral estate is valued at another \$200,000; thus the cost per acre of this acquisition is roughly \$22,000 per acre. For the last 20 plus years this pasture was rented to a local llama breeder and most citizens will associate this pasture with the ever present llamas which grazed the land. This property aligns with the council goal for local food production. Its excellent water rights provide the potential for several small acreage organic crop farms including livestock production. OSMP will need to spend approximately \$6,000 on immediate fencing and irrigation needs on the property and this amount will be included in the acquisition funding.

STAFF RECOMMENDATION

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

Motion to approve the purchase of 44 acres of land, the mineral estate and 44 shares of Left Hand Water located at 7204 N. 45th St. from the Berman Brothers for \$1,375,000 for Open Space and Mountain Parks purposes and designate this property as an agricultural area for management purposes. An additional \$6,000 for immediate needs is also being requested for expenditure from the acquisition budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Open Space and Mountain Parks contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- Environmental: Open Space and Mountain Parks is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- Social: Because Open Space and Mountain Parks lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- Fiscal – The purchase price for the Berman Brothers property being acquired is \$1,375,000 payable at the date of closing. There are sufficient monies in the Open Space Fund for this acquisition; a Cash Flow Projection is included as Attachment C.
- Staff time - This acquisition is part of the normal 2014 work plan for the OSMP real estate property agents.

BOARD AND COMMISSION FEEDBACK

This item was heard as part of the April 9, 2014 Open Space Board of Trustees public meeting advertised in the *Daily Camera* on April 6, 2014. The board unanimously passed motions recommending that council approve this acquisition and further designate this property as an agricultural area for management purposes.

PUBLIC FEEDBACK

There was no public feedback on this proposal.

BACKGROUND

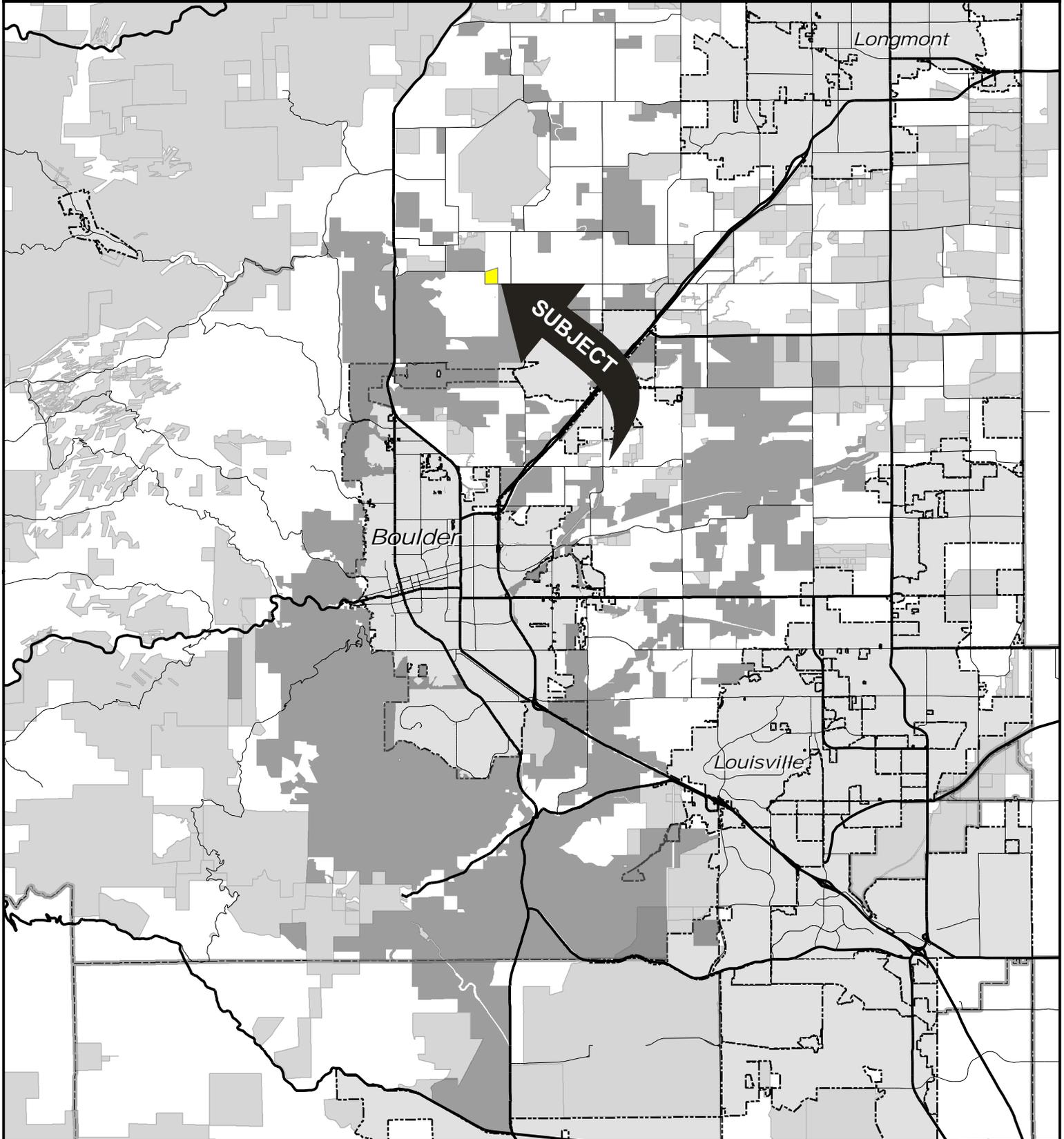
The Berman Brothers property is a 44-acre holding along N. 45th St. in Boulder County approximately six miles from central Boulder. This is a property which OSMP has actively pursued acquiring for over 15 years. The purchase price is \$1,375,000 payable at the time of closing. Along with the land, the city is acquiring the mineral estate and 44 shares of Left Hand Water. The water rights are worth approximately \$200,000 and the mineral estate is valued at another \$200,000; thus the cost per acre of this acquisition is roughly \$22,000 per acre. For the last 20 plus years this pasture was rented to a local llama breeder and most citizens will associate this pasture with the ever present llamas which grazed the land. A rapid management assessment will be done in the near future to help staff determine a more specific use for the property.

ATTACHMENTS:

- A. Vicinity Map**
- B. Location Map**
- C. Cash Flow Projection**

ATTACHMENT A - City of Boulder Open Space & Mountain Parks

VICINITY MAP - Berman Brothers



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-  Subject Property
-  City of Boulder OSMP
-  Other Public Lands



0 0.5 1 2 3 4 5 Miles

Approximate property boundaries from Boulder County Assessor's data.

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ATTACHMENT B - City of Boulder Open Space & Mountain Parks LOCATION MAP - Berman Brothers Property



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- Purposed Purchase
- OSMP Fee Property
- OSMP Conservation Easement



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ATTACHMENT C
 Projected Open Space Cashflow 2013-2019
BERMAN BROTHERS
 4/9/2014

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
PROJECTED SALES TAX GROWTH							
2 2011-2018 Sales Tax forecast 05/08/2012	3.90%	3.48%	3.28%	3.29%	3.20%	3.15%	3.15%
3 2013-2019 Sales Tax forecast 04/05/2013	7.38%	-1.43%	3.35%	3.35%	3.25%	3.20%	-9.70%
4 2014-2019		3.50%	3.35%	3.35%	3.25%	3.20%	3.20%
5 BEGINNING CASH BALANCE	\$18,917,725	\$17,268,276	\$17,565,274	\$20,784,592	\$22,807,024	\$28,077,048	\$34,025,162
SOURCES OF FUNDS							
5 OS Sales Tax Revenue	\$26,675,889	\$26,295,672	\$27,176,894	\$28,088,010	\$29,000,132	\$29,928,588	\$27,025,515
6 OS Fund - Investments/Leases/Misc.	\$841,196	\$810,909	\$810,909	\$810,909	\$650,000	\$650,000	\$650,000
7 Proceeds from RE sale	\$256,880						
8 Funds from CDOT for Granite acquisition	\$1,300,000						
9 General Fund Transfer for Mountain Parks:	\$1,072,174	\$1,103,384	\$1,137,095	\$1,171,553	\$1,208,122	\$1,245,832	\$1,284,720
10 General Fund Appropriation for Real Estate Services:	\$152,346	\$152,642	\$154,168	\$155,710	\$157,267	\$158,840	\$160,428
11 Lottery Fund Appropriation for CIP Purposes:	\$343,000	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300
12 Unexpended Lottery Funds Carried Over from Previous Year	\$251,149						
14 Total Annual Sources of Funds:	\$30,892,634	\$28,705,607	\$29,634,366	\$30,581,482	\$31,370,821	\$32,338,560	\$29,475,963
15 Total Sources of Funds Available:	\$49,810,359	\$45,973,883	\$47,199,641	\$51,366,075	\$54,177,846	\$60,415,608	\$63,501,126
USES OF FUNDS							
16 Total Debt Service for Bonds & Notes:	\$8,695,115	\$7,315,737	\$5,501,610	\$5,379,758	\$4,782,459	\$4,568,700	\$2,688,252
18 Capital Available for Land Acquisitions & Preservation	\$9,464,695	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
20 Capital Available for Land Acquisitions & Preservation:	\$9,464,695	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
21 RE Acquisition 2013	\$9,464,695						
22 Berman Brothers		\$1,381,000					
23 Dagle property and water acquisition by 8/14/2014		\$525,000					
24 Remaining Land Acquisition Capital Available:	\$0	\$3,494,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
25 Capital for Visitor Infrastructure:	\$1,072,148	\$1,210,000	\$900,000	\$900,000	\$900,000	\$950,000	\$800,000
27 Highway 93 Underpass	\$1,021,410						
28 Capital for Water Rights Acquisition:	\$52,725	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
30 South Boulder Creek Flow In Stream Flow:	\$1,912	\$100,000	\$150,000	\$2,000,000			
31 Capital for Mineral Rights Acquisition:	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
33 Lottery Capital for MP Restoration:	\$353,303	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300
35 Total CIP Expenditures:	\$11,966,193	\$7,353,000	\$7,105,300	\$8,955,300	\$6,955,300	\$7,005,300	\$6,855,300
36 Management Operating Expenditures - OSMP Program:	\$10,661,475	\$12,478,830	\$12,490,150	\$12,846,271	\$12,922,659	\$13,310,339	\$13,709,649
38 Management Operating Expenditures - RE Services:	\$152,346	\$152,642	\$154,168	\$155,710	\$157,267	\$158,840	\$160,428
40 Cost Allocation:	\$1,066,954	\$1,108,400	\$1,163,820	\$1,222,011	\$1,283,112	\$1,347,267	\$1,414,630
41 Total Management Operating Expenditures:	\$11,880,775	\$13,739,872	\$13,808,138	\$14,223,992	\$14,363,038	\$14,816,446	\$15,284,707
42 Total Uses of Funds:	\$32,542,083	\$28,408,609	\$26,415,048	\$28,559,050	\$26,100,797	\$26,390,446	\$24,828,259
43 ENDING CASH BALANCE:	\$17,268,276	\$17,565,274	\$20,784,592	\$22,807,024	\$28,077,048	\$34,025,162	\$38,672,866
44 Less Reserves:	\$5,475,000	\$3,500,000	\$2,500,000	\$2,400,000	\$2,000,000	\$2,000,000	\$1,100,000
45 Less Reserve for 27th Pay Period	\$0	\$45,000	\$95,000	\$145,000	\$195,000	\$0	\$0
46 Sick/Vacation/Bonus Reserve	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000
47 Property and Casualty Reserve	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
48 South Boulder Creek Flow Reserve	\$1,450,000	\$1,750,000	\$2,000,000	\$0	\$0	\$0	\$0
50 Vehicle Acquisition Reserve	\$150,000	\$300,000	\$300,000	\$300,000	\$400,000	\$500,000	\$600,000
51 Facility Maintenance Reserve	\$100,000	\$200,000	\$200,000	\$300,000	\$400,000	\$500,000	\$600,000
52 UNRESTRICTED CASH BALANCE AFTER RESERVES:	\$9,453,276	\$11,130,274	\$14,799,592	\$19,072,024	\$24,592,048	\$30,635,162	\$36,082,866

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Consideration of a motion authorizing the city manager to enter into a settlement agreement regarding a property located at 3069 Broadway.

PRESENTERS:

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Maureen Rait, Executive Director, Public Works
Jeff Arthur, Director of Public Works for Utilities
Stewart Ellenberg, Risk Manager

EXECUTIVE SUMMARY:

This matter is regarding a lawsuit brought in the Boulder County District Court by Starfish Industries, Inc., arising from a sewer backup that occurred at the property on October 31, 2010.

If council approves, the parties have agreed to settle all claims for a proposed payment of \$45,000 to the plaintiff and dismissal of the city. The city manager and the city attorney recommend approval of the settlement. The executive director of public works, the director of public works for utilities and the risk manager also support this settlement proposal.

Because the amount of the proposed settlement exceeds \$10,000, City Council approval is necessary pursuant to section 2-2-14(f) "Initiation and Settlement of Claims and Suits," B.R.C. 1981.

STAFF RECOMMENDATION:

Suggested Motion Language:

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 a settlement agreement in the litigation brought against the city by Starfish Investments, Inc., regarding a property located at 3069 Broadway, for payment of \$45,000 in exchange for a general release of all claims against the city.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: Not applicable
- Environmental: Not applicable
- Social: The resolution of disputes generally provides a social benefit.

OTHER IMPACTS:

- Fiscal: The city is self insured for liability claims and lawsuits up to \$500,000. The city will pay the \$45,000 settlement out of the Property and Casualty Fund.
- Staff time: Settlement of the matter would avoid the need for trial and related expenditures of outside counsel costs and fees in addition to city staff time associated with litigation.

BOARD AND COMMISSION FEEDBACK: Not applicable

PUBLIC FEEDBACK: Not applicable

BACKGROUND:

This case concerns a sewer backup at 3069 Broadway on the night of October 31, 2010. By the time that city employees arrived the next morning, the backup had cleared and the sewer was running normally. In November 2013, the city moved for summary judgment, seeking dismissal because there was no evidence of city negligence. The Honorable D.D. Mallard granted in part and denied in part the city's motion. Judge Mallard held that there were issues of fact to be resolved by a jury. (A copy of Judge Mallard's decision is attached as Attachment A.) Through several weeks of discussion, the parties reached an agreement to settle the case for the amount of \$45,000, which is approximately one-half of the plaintiff's claimed damages.

OPTIONS:

Council has the option of approving or rejecting the proposed settlement. If the settlement is rejected, the matter will be set for trial.

ATTACHMENTS:

Attachment A: Judge Mallard's Ruling and Order of March 4, 2014

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District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-1866	DATE FILED: March 5, 2014 CASE NUMBER: 2012CV950
STARFISH INVESTMENTS, INC., Plaintiff vs. CITY OF BOULDER, Defendant	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorney for Plaintiff: Ronald Jung</i>	Case Number: 2012 CV 950
<i>Attorney for Defendant: Erin Poe, Thomas Carr</i>	Division: 3 Courtroom: G
RULING AND ORDER	

This matter comes before the Court on Defendant's Motion for Summary Judgment and the responsive pleadings thereto. After carefully considering the briefs, the exhibits, and the applicable law, the Court enters the following Ruling and Order.

I. BACKGROUND

This dispute arises from a sewage backup that occurred at 3069 Broadway on October 31, 2010. Around 10:30pm, Robin Duxbury, the property manager, received a call from a tenant advising there was a sewage backup in the basement laundry and utility rooms. Compl. ¶ 7. Duxbury contacted Garvin Sewer Service. Garvin arrived and attempted to reduce the level of sewage backup by looking for obstructions in the private sewer line, but was unable to find an obstruction or reduce the backup. Compl. ¶ 8. During that time, Duxbury attempted to contact the City of Boulder by calling two emergency utility numbers; however, she claims, she was unable to reach anyone. Compl. ¶ 9. As a result of the backup, Duxbury maintains, there was approximately four to five inches of raw sewage in the basement. Compl. ¶ 11.

On October 8, 2012, Plaintiff filed a Complaint against the City of Boulder alleging the following causes of action: (1) negligence based on the City of Boulder's failure to perform proper maintenance of the main sewer line which resulted in a substantial blockage that caused a backup of sewage on Plaintiff's property; and (2) negligence based upon the City of Boulder's failure to operate its emergency utility service telephone numbers. On November 12, 2013, Plaintiff filed a Motion for Summary Judgment. On January 27, 2014, Plaintiff filed a Motion for Leave to Supplement Summary Judgment Response. The City of Boulder objects to Plaintiff's motion. This Order addresses both motions.

II. STANDARD OF REVIEW

The purpose of summary judgment is to expedite litigation, avoid needless trials and assure speedy resolution of matters. *Crawford Rehabilitation Services Inc. v. Weissman*, 938 P.2d 540, 550 (Colo. 1997). However, summary judgment is a drastic remedy that may only be granted when the moving party demonstrates to the court that he is entitled to judgment as a matter of law. *Greenwood Trust Co. v. Conley*, 938 P.2d 1141, 1149 (Colo. 1997).

The initial burden of establishing the nonexistence of a genuine issue of material fact rests on the moving party. *Continental Air Lines, Inc. v. Keenan*, 731 P.2d 708, 712 (Colo. 1987). Once satisfied, the initial burden of production on the moving party shifts to the nonmoving party, but the ultimate burden of persuasion always remains on the moving party. *Id.* If the moving party meets the initial burden, then the non-moving party must show “a triable issue of fact” exists. *Greenwood Trust Co.*, 938 P.2d at 1149. The opposing party may, but is not required to, submit opposing affidavits. *Bauer v. Southwest Denver Mental Health Ctr., Inc.*, 701 P.2d 114, 117 (Colo. App. 1985).

Any doubt as to the existence of a triable question of fact must be resolved in favor of the non-moving party. *Greenwood Trust Co.*, 938 P.2d at 1149. Summary judgment is to be granted only if there is a complete absence of any genuine issue of fact, and a litigant should not be denied a trial if there is the slightest doubt as to the facts. *Pioneer Sav. & Trust, F.A. v. Ben-Shoshan*, 826 P.2d 421, 425 (Colo. App. 1992).

III. ANALYSIS

A. Motion for Leave to Supplement Summary Judgment Response

Plaintiff seeks leave of the Court to supplement its Response to the Motion for Summary Judgment with a supplemental report from its expert, Sherri Jones. This supplemental report is based on information that was not available at the time of her initial report. The additional information was provided as a result of additional witness depositions taken and additional video inspection summaries that were made available after the initial expert disclosure on October 5, 2013. The initial expert disclosure deadline was later extended to January 27, 2014 after the Court granted the City of Boulder’s Motion to Continue. The City of Boulder objects to the requested supplemental report claiming that Plaintiff had ample opportunity to supplement its report before the filing of its response brief.

Sherri Jones submitted her initial expert report on or before the initial expert disclosure deadline on October 5, 2013. On October 22, 2013, the City of Boulder provided Plaintiff with additional video inspection summaries. On October 24, 2013, the Plaintiff deposed several fact witnesses. On October 30, 2013, Plaintiff’s expert Sherri Jones was deposed. The City of Boulder’s Motion for Summary Judgment was filed on November 12, 2013.

The City of Boulder chose to file its Motion for Summary Judgment before the close of discovery. Plaintiff had no control over the timing of the Motion for Summary Judgment. Because discovery was not completed at the time the Motion for Summary Judgment was filed,

the Court will accept and consider the supplemental expert report of Sherri Jones. Plaintiff's Motion for Leave to Supplement Summary Judgment Response is GRANTED.

B. Negligence for Failure to Properly Maintain the City's Sewer Main

The City of Boulder argues that the City "did everything right," and the lack of disputed factual issues warrants dismissal of this case. Pl's Brief at 1. Specifically, the City claims that it has a regular, effective preventative maintenance program, and it promptly responds to maintenance issues. The City contends that Plaintiff's negligence claim is based upon pure speculation. Plaintiff claims that the City is oversimplifying the facts and fails to provide the appropriate context for the evidence in this case. Plaintiff maintains that there are several disputed factual issues which require the Court to deny the City's Motion for Summary Judgment.

Instead of addressing every factual issue presented by the parties, the Court will focus on a few key disputed facts which prevent the Court from granting summary judgment.¹ Plaintiff's negligence claim relies on the City's 2005 video inspection of the main sewer line that connects to Plaintiff's sewer line. Plaintiff argues that the City's inability to conduct a video inspection through the entire length of the sewer line indicated that there was an issue that warranted further investigation. As a result of the City's failure to perform follow up inspections, the City failed to discover pervasive root problems and failed to perform the appropriate maintenance to resolve the issue.

Plaintiff claims that pervasive root systems in the main sewer line caused the sewage backup onto Plaintiff's property. The video inspection pull summary, which is a summary of the video inspection, lends some support to Plaintiff's contention. The summary shows that the video inspection on December 21, 2005 was stopped at 144 feet. Def.'s Ex. 4 at 2. The entire length of the sewer line is 218 feet. Pl's Ex. 4 at 1. In addition, the summary indicates 11 different areas of "medium" roots. *Id.* The presence of these roots is also supported by the video inspection conducted shortly after the sewage backup occurred. Pl's Depo Ex. 21. It appears in the video as though there was at least some degree of diminished flow as a result of the roots. *Id.* The City contends that the presence of these roots did not impede the flow of sewage and did not cause the backup alleged by Plaintiff. Whether root systems in the City's sewer line caused the sewage backup is a disputed issue of material fact.

Furthermore, Plaintiff's expert opines that the City's failure to re-inspect the main sewer line after the 2005 video inspection negligent. Am. Report at 3. Plaintiff's expert states that "[f]ollow-up video inspection should have been conducted." *Id.* Alternatively, the City's expert claims that video inspection is intended as a form of preventative maintenance and that "the City has a well defined, implemented and documented proactive preventative and responsive Collection System Maintenance Program." Pl's Brief at 7. Whether the City's failure to act following the video inspection is a disputed issue of material fact.

¹ The Court recognizes the existence of other negligence claims made by Plaintiff relating to lack of sufficient recordkeeping. However, this Court does not need to address this issue because it finds a disputed material fact related to another aspect of Plaintiff's negligence claim.

Accordingly, the City's Motion for Summary Judgment with respect to the claim for negligent maintenance is DENIED.

Additionally, the City argues in its Reply brief that Plaintiff cannot withstand summary judgment because Plaintiff has not set forth the appropriate standard of care. However, Plaintiff's expert identified several standards of care based upon the various acts of negligence in this case. For example, on page 2 of the Amended Report, Plaintiff's expert cites the EPA's Guide for Evaluation CMOM Programs at Sanitary Sewer Collection Systems for the proposition that "sewer inspection is an important component of any maintenance program." Am. Report at 2. Plaintiff's expert also opined that the appropriate standard of care was for the City to adequately investigate and make repairs in a timely manner when a video inspection indicated a problem with the sewer. Am. Report at 3. Accordingly, the Court finds Plaintiff has addressed the applicable standard of care.

C. Negligence for Failure to Operate the City's Emergency Utility Service Telephone Numbers

The City of Boulder maintains that summary judgment is appropriate on Plaintiff's negligence claim with respect to the emergency telephone numbers because Plaintiff admits that she called the emergency line but ended the call without following the appropriate prompts. The City argues that if Plaintiff had followed the appropriate prompts, she would have been connected with a live person to assist with her situation. At Duxbury's deposition, when asked whether she got a recording when she called the emergency line, Duxbury replied "Yeah, we did. If I said it, we got it." Pl's Ex. 5 at 64:13-14. When asked if she remembered anything about the recording, she responded "I do not. I believe the recording said—it gave a series of prompts. If you want this person, press 1. If you want that person, press 2." Pl's Ex. 5 at 64: 17-19. When asked what she did in response to the prompts, Duxbury stated that she "[d]id nothing", "[d]id not press any prompts", and "was expecting a real person to answer the phone." Pl's Ex. 5 at 64:22-65:1.²

Accordingly, it is clear that Ms. Duxbury's inability to reach a person to assist her via the emergency telephone number was not a result of any negligence on the part of the City of Boulder. It was Ms. Duxbury's actions in hanging up the phone without listening to the appropriate prompts that resulted in her failure to reach a live person for assistance on October 31, 2010.

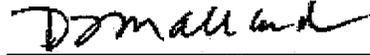
The Court GRANTS the Motion for Summary Judgment on the claim of Negligence for Failure to Operate the City's Emergency Utility Service Telephone Numbers.

² Mr. Duffy, a member of the City's IT Department, testified there was a power outage at the Betasso Water Treatment Plant around the time Ms. Duxbury called the emergency telephone numbers. Since the Court can resolve this issue based on Ms. Duxbury admission that she got a series of prompts, and hung up the phone, the Court will not address the outage issue..

IV. CONCLUSION

In accordance with the foregoing analysis, Plaintiffs' Motion for Summary Judgment is DENIED in part and GRANTED in part.

March 4, 2014



D.D. Mallard
District Court Judge

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Continuation of second reading and consideration of a motion to adopt Ordinance No. 7968 amending Chapter 13-2, "Campaign Financing Disclosure," B.R.C. 1981 including modifying the financial reporting requirements, adding additional reporting requirements for City Council members, and setting forth reporting periods and setting forth related details.

PRESENTERS:

Tom Carr, City Attorney
David Gehr, Deputy City Attorney

EXECUTIVE SUMMARY:

On February 20, 2014, council held a study session on financial reporting. Council scheduled this study session to provide a forum for discussion of potential clarifications to the city's financial disclosure requirements. Council discussed several proposed changes and agreed on several that would strengthen and clarify the financial disclosure requirements. Council held a public hearing on April 16, 2014 to consider the proposed ordinance at second reading. After the conclusion of the public hearing, council discussed several changes. Council's changes were of significant complexity that council continued the second reading to allow for staff to draft amendments reflecting council's direction. The proposed amendments are included in the attached proposed ordinance.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to pass on second reading Ordinance No. 7968 amending Chapter 13-2, “Campaign Financing Disclosure,” B.R.C. 1981 including modifying the financial reporting requirements, adding additional reporting requirements for City Council members, setting forth reporting periods and setting forth related details.

BACKGROUND: Additional background information can be found in the [summary](#) of the February 20 study session and in the second reading agenda [memorandum](#). The purpose of this agenda item is to improve the city’s financial reporting requirements by clarifying ambiguities in the current code. The important interest of government transparency is served by clear requirements for disclosure by elected officials.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic:
None identified
- Environmental:
None identified
- Social:
Boulder’s community values support an honest, ethical and transparent local government. The intent of the proposed ordinance is to revise the city’s financial disclosure requirements to be clearer to avoid ambiguity.

OTHER IMPACTS

- Fiscal:
None identified.
- Staff Time:
None identified.

Analysis:

Staff has proposed the following amendments:

Section 13-2-2 includes two new and two revised definitions.

The proposed ordinance includes an amended definition of income, which is intended to clarify that unrealized appreciation or interest from a bank account is not reportable as other income in excess of \$1000.

There is a new definition of “other household member.” This phrase is used in paragraphs 13-2-3(b)(3) and (b)(4), which require reporting of business and real property interests. Council’s direction was that interests held by other household members should

also be reported. Other household member includes only a spouse, domestic partner, or partner in a civil union who resides in the same household as the person reporting.

There is a new definition of “reportable interest.” This term replaces the term “controlling interest” in paragraph 13-2-3(b)(4). Previously a person reporting was required to report the location of any real property in Boulder County held by an entity in which the person had a “controlling interest.” Controlling interest was not defined. The proposed second reading ordinance defined controlling interest to be an interest of more than 50 percent.

At second reading council decided to require reporting of any real property held by any entity in which the reporting person has any interest if more than half of the entity’s real property is in Boulder County or any entity owning real property in Boulder County in which the reporting person holds more than a 10 percent interest. The definition of reportable interest is intended to capture this requirement. The term reportable interest appears only in paragraph 13-2-3(b)(4).

The proposed ordinance includes a revised definition of “excepted investment.” There is an additional exclusion for holdings of ten percent or less of a company’s stock. Staff changed the name from “excepted investment fund” to “excepted investment” to be inclusive of stocks. This change also is reflected in paragraph 13-2-3(b)(3).

The proposed ordinance includes an amendment to paragraph 13-2-3(b)(3), relating to business interests, striking the words “for profit” to require reporting persons to report interests in not for profit entities. In addition, staff amended paragraph 13-2-3(b)(3) to require reporting of business interests held by other household members. There is also an additional sentencing making clear that a charitable donation is not a financial interest.

The changes from the original second reading ordinance are indicated by bold and italics.

Attachment

Attachment A Proposed Ordinance No. 7968

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ORDINANCE NO. 7968

AN ORDINANCE AMENDING CHAPTER 13-2, "CAMPAIGN FINANCING DISCLOSURE," B.R.C. 1981 INCLUDING MODIFYING A CANDIDATE'S FINANCIAL REPORTING REQUIREMENTS, ADDING ADDITIONAL REPORTING REQUIREMENTS FOR CITY COUNCIL MEMBERS, SETTING FORTH REPORTING PERIODS AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 13-2-2, B.R.C. 1981 is amended to read:

13-2-2 Definitions.

The following terms used in this chapter and chapter 13-3, "Campaign Activities," B.R.C. 1981, have the following meanings unless the context clearly indicates otherwise:

"Ballot proposition" means any amendment to the city charter, and any initiative, referendum, or recall for which petitions have been properly certified by the city clerk for submission to the city council, or any ordinance or issue put to a vote of the electors of the City of Boulder under the provisions of the city charter. Such term does not include any ballot issue placed on the ballot by the United States, the State of Colorado or any political subdivision thereof other than the city.

"Candidate" means any person whose petition of nomination for city council, whether at a regular, special, or recall election, has been certified as sufficient by the city clerk pursuant to charter section 26. A person is no longer a "candidate" after the date of the election for which the person filed a petition.

"Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. The term "official candidate committee" is synonymous with "candidate committee."

"Committee" means a candidate committee, an unofficial candidate committee, and an issue committee, unless the context indicates that it can mean only one or two of these types of committees.

"Contribution" means:

(a) Any payment, loan, pledge, or advance of money, including, without limitation, checks received but not deposited or payments made by credit card, or guarantee of a loan, made to or for the benefit of any candidate or committee;

1 (b) Any payment made to a third party for the benefit of any candidate or committee, including,
2 without limitation, the use of a credit card to secure such benefit;

3 (c) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting
4 the candidate's election, including, without limitation, commercial services such as banking,
printing, and mailing services; or

5 (d) With regard to a contribution for which the contributor receives compensation or
6 consideration of less than equivalent value to such contribution, including, without limitation,
7 items of perishable or non-permanent value, goods, supplies, services, or participation in a
campaign-related event, an amount equal to the value in excess of such compensation or
consideration.

8 "Contribution" does not include services provided without compensation by individuals
9 volunteering their time on behalf of a candidate or committee.

10 "Contribution in kind" means the fair market value of a gift or loan of any item of real or
11 personal property, other than money, made to or for any candidate or committee for the purpose
of influencing the passage or defeat of any issue or the election or defeat of any candidate.
12 Personal services are a contribution in kind by the person paying compensation therefor. In
determining the value to be placed on contributions in kind, a reasonable estimate of fair market
13 value shall be used by the candidate or committee. "Contribution in kind" does not include an
endorsement of a candidate or an issue by any person, nor does it include the payment of
14 compensation for legal or accounting services rendered to a candidate if the person paying for
the services is the regular employer of the individual rendering the services and the services are
15 solely for the purpose of ensuring compliance with the provisions of this title.

16 "Excepted investment" means a mutual fund, common trust fund of a bank, pension or deferred
17 compensation plan, any other investment fund or a ten percent or less interest in the stock of a
18 company, which for funds or stocks is widely held; publicly traded (or available) or widely
19 diversified; and which for funds under circumstances where the investor neither exercises
control over nor has the ability to exercise control over the financial interests held by the fund. A
fund is widely diversified when it holds no more than five percent of the value of its portfolio in
the securities of any one issuer (other than the U.S. Government.)

20 "Expenditure" means the payment, distribution, loan, or advance of any money by any candidate
21 or committee, whether in cash, by check, as a credit card charge, or otherwise. "Expenditure"
22 also includes the payment, distribution, loan, or advance of any money by a person for the
benefit of a candidate or committee that is made with the prior knowledge and consent of an
23 agent of the candidate or committee. An expenditure occurs when the actual payment is made or
when a contract is agreed upon, whichever comes first. Consent may be implied from
collaboration and need not be express.

24 "Income" means money received for the provision of goods or services, not including the
25 unrealized appreciation of any asset, income from any excepted fund or interest earned

1 from any commercial bank, savings and loan or credit union.

2 "Independent expenditure" means an expenditure by any person for the purpose of expressly
3 advocating the election or defeat of a candidate or candidates, which expenditure is not
4 controlled by, coordinated with, or made upon consultation with any candidate or candidate
5 committee or any agent of such candidate or committee. "Independent expenditure" does not
6 include expenditures made by persons, other than political parties and political committees, in
7 the regular course and scope of their business, including political messages sent solely to
8 members.

9 "Issue" is synonymous with ballot proposition.

10 "Issue committee" means any two or more natural persons who collaborate together, or any
11 corporation, partnership, commission, association, or any other organization or group of persons,
12 that accepts contributions or makes expenditures for the purpose of opposing or supporting a
13 ballot proposition at a city election, regardless of whether or not it has obtained the consent of
14 the sponsors of the ballot proposition.

15 "Material change" shall mean any change in information required to be reported pursuant to
16 paragraphs 13-2-3(b)(1), (3) or (4).

17 "Official candidate committee" - see definition of "candidate committee."

18 "Other household income" means any income earned by a spouse, domestic partner, or partner in
19 a civil union who resides in the same household as the reporting person that is reportable by a
20 candidate or incumbent for federal or state income tax purposes.

21 "Other household member" means a spouse, domestic partner, or partner in a civil union who
22 resides in the same household as the reporting person.

23 "Political committee" means any two or more natural persons who collaborate together, or any
24 corporation, partnership, commission, association, or any other organization or group of persons,
25 that accepts contributions or makes expenditures for the purpose of opposing or supporting a
candidate for city council, or a city ballot proposition, and which, because of campaign activities
concerning other candidates, other ballot measures, or both, is required under the Fair Campaign
Practices Act found in state law to file statements and reports with the secretary of state or the
county clerk and recorder. It is the intention of this chapter to reduce the burden on such
committees of following two separate sets of filing and reporting requirements, while still
protecting the public purposes served by filing and reporting. However, no candidate committee
or other committee, the expenditures of which are in any way, directly or indirectly, controlled
by, coordinated with, or made upon consultation with any candidate or candidate committee or
agent thereof shall be deemed a political committee eligible for these different requirements.

"Reportable interest" means:

1 (a) In the case of a corporation, either more than 10 percent of the total combined
 2 voting power of all classes of stock of the corporation entitled to vote, or more than 10
 3 percent of the capital, profits, or beneficial interest in the voting stock of the
 4 corporation;

5 (b) In the case of a partnership, association, trust, or other entity, more than 10 percent
 6 of the capital, profits, or beneficial interest in such partnership, association, trust, or
 7 other entity; or

8 (c) Any interest in any entity that owns real property, if more than 50 percent of the
 9 entity's holdings are in Boulder County.

10 "Unofficial candidate committee" means any two or more natural persons who collaborate
 11 together, or any corporation, partnership, commission, association, or any other organization or
 12 group of persons, that accepts contributions or makes expenditures for the purpose of expressly
 13 advocating the election or defeat of a clearly identified candidate for city council. An unofficial
 14 candidate committee ceases to be independent if its expenditures are in any way, directly or
 15 indirectly, controlled by, coordinated with, or made upon consultation with any candidate or
 16 candidate committee or agent thereof.

17 **Section 2.** Section 13-2-3, B.R.C. 1981 is amended to read:

18 **13-2-3 Candidate's Financial Disclosure Statement.**

19 (a) The purpose of this section is to provide members of the public and other council members
 20 with information regarding financial dealings of candidates and council members that might
 21 affect their ability to make impartial decisions. When reporting information regarding the
 22 activities of a third party, a reporting person is required to report only information about
 23 which he or she has actual knowledge.

24 (b) Any person required to file a financial disclosure statement required by this chapter shall file
 25 a statement on a form provided by the city clerk as follows: No more than three days after a
 26 candidate's petition of nomination for city council has been certified as sufficient by the city
 27 clerk pursuant to charter section 26, the candidate shall file a statement of financial
 28 disclosure that contains:

29 (1a) The reporting candidate's person's employer and occupation and the nature;

30 (2) The and source of any other income in excess of \$1,000.00 per year, including, without
 31 limitation, other household income, capital gains, whether or not taxable, dividends,
 32 interest, wages, salaries, rents, and profits, and retirement accounts;

33 (3b) The name, location, and nature of activity of any business entities or enterprises for
 34 profit, with holdings of real or personal property or with business dealings in the area
 35 encompassed by the Boulder Valley Comprehensive Plan, in which the
 36 candidate reporting person or other household member has any financial interest or is
 37 actively engaged as an officer, director, or partner and the nature of the reporting person

1 candidate's *or other household member's* interest or activity. A reporting person *or*
 2 *other household member* is not required to report any financial interest in any business
 3 entity in which the reporting person's *or other household member's* only interest is
 4 through an investment in an excepted investment. *A charitable donation is not a*
 5 *financial interest*;

6 (4e) The location of any real property within Boulder County in which the ~~candidate~~ reporting
 7 person or other household member has an interest or, if the reporting person *or other*
 8 *household member* candidate has a *controlling-reportable* interest in an entity or
 9 enterprise disclosed pursuant to ~~subsection paragraph~~ (b)(3) of this section, in which the
 10 ~~controlled~~ entity or enterprise has any interest and the nature of such interest;

11 (5d) Any other information that the reporting person ~~candidate~~ feels would be helpful or
 12 should be disclosed; and

13 (e6) Notwithstanding any other provision of this chapter, no reporting person *or other*
 14 *household member* ~~candidate~~ is required to disclose any confidential relationship
 15 protected by law.

16 **Section 3.** Section 13-2-4, B.R.C. 1981 is amended to read:

17 **13-2-4 Incumbent's Financial Disclosure Statement. Filing Dates and Disclosure Periods.**

18 ~~On April 15 of each calendar year, each incumbent council member shall file an amended~~
 19 ~~statement for the previous calendar year concerning the financial disclosures in Section 13-2-3,~~
 20 ~~"Candidate's Financial Disclosure Statement," B.R.C. 1981, with the city manager or notify the~~
 21 ~~manager in writing that the council member has no change of financial condition regarding the~~
 22 ~~disclosed items since previously filing a disclosure statement.~~

23 (a) On or before September 10, any candidate having filed a petition of nomination shall file a
 24 statement of financial disclosure as set forth in section 13-2-3, "Financial Disclosure
 25 Statement." B.R.C. 1981. The candidate shall file a supplemental report if there is any
 26 material change in the information reported after the date of filing within 15 days after the
 27 material change.

28 (b) On or before April 15 of each year, every member of the city council shall file a statement of
 29 financial disclosure as set forth in section 13-2-3, "Financial Disclosure Statement." B.R.C.
 30 1981. Council members shall report any material changes to the information reported, except
 31 information reported pursuant to paragraph 13-2-3(b)(2), within 15 days of the end of the
 32 calendar quarter in which the material change occurred.

33 (c) Each Financial Disclosure Statement shall include all information current of the date of filing,
 34 except information required by 13-2-3(b)(2) shall be reported as of the end of the previous
 35 calendar year.

1 **Section 4.** This ordinance is necessary to protect the public health, safety, and welfare of
2 the residents of the city, and covers matters of local concern.

3 **Section 5.** The City Council deems it appropriate that this ordinance be published by title
4 only and orders that copies of this ordinance be made available in the office of the city clerk for
5 public inspection and acquisition.

6 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
7 TITLE ONLY this 1st day of April, 2014.

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Mayor

Attest:

City Clerk

14 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
15 PUBLISHED BY TITLE ONLY this 6th day of May, 2014.

Mayor

Attest:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance No. 7969 amending Title 11, “Utilities and Airport,” B.R.C. 1981, by the addition of a new Chapter 7, “Light and Power Utility,” amending Chapter 2-3, “Boards and Commissions,” B.R.C. 1981, by the addition of a new section related to the creation of an electric utility board; and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Paul Fetherston, Deputy City Manager
David J. Gehr, Deputy City Attorney
Heather Bailey, Executive Director, Energy Strategy and Electric Utility Development
Robert Eichem, Chief Financial Officer
Kathleen E. Haddock, Senior Assistant City Attorney
Debra S. Kalish, Senior Assistant City Attorney

EXECUTIVE SUMMARY:

The City Council is asked to adopt the attached ordinance that establishes the framework for the municipal electric utility. The ordinance does the following:

1. It creates the light and power utility by ordinance, as required by City Charter § 180(i).
2. It establishes the City Council as having the authority as the governing body of the utility. It will serve this role, as well as the responsibilities of the advisory board, until board members are appointed.

3. It creates the utility advisory board with all of the powers that are enumerated in City Charter §§ 185 to 187. It anticipates that the council will appoint the board after the utility has issued bonds and is receiving revenue that qualifies it as an enterprise under the Taxpayer Bill of Rights (TABOR).

It is anticipated that this ordinance will be a starting point for local utility regulations. Over time, the chapter will be expanded and developed similar to the ordinances establishing and regulating the city's water, wastewater, and storm water management and flood control utilities. This initial ordinance is intended to enable the utility to use the revenue bonding authority that the voters approved in §180 and §181 of the City Charter.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to pass on second reading Ordinance No. 7969, as presented in Attachment A, amending Title 11, "Utilities and Airport," B.R.C. 1981; by the addition of a new Chapter 7, "Light and Power Utility;" and amending Chapter 2-3, "Boards and Commissions," B.R.C. 1981 by the addition of a new section related to the creation of an electric utility board.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic – A municipal utility should have a positive economic impact on our community. The utility will provide employment and a wide range of opportunities to promote and support business in Boulder.
- Environmental – Climate change resulting from increasing greenhouse gases is probably our society's number one environmental challenge. The largest contributors to greenhouse gases for Boulder are the facilities used to produce electricity.
- Social – The social impacts of climate change are well-documented.

OTHER IMPACTS:

- Fiscal – There are no budget impacts from this proposed ordinance.
- Staff time – Staff time required is part of the staff's work plan.

BOARD AND COMMISSION FEEDBACK:

Not applicable.

BACKGROUND:

The city has been exploring the feasibility of creating a municipal utility for many years. The efforts date back to 2005, when the city hired R.W. Beck, Inc. and commissioned it to do an initial study to determine whether it was feasible for the city to create an electric utility. Subsequently, Xcel Energy chose the city to demonstrate a smart grid project called *SmartGridCity*. The demonstration was intended to enhance the company's ability to manage its electric distribution system and customer capabilities to manage their own energy use by adding two-way communications between the utility and customers.

The city suspended its municipalization efforts while Xcel installed the infrastructure. The *SmartGridCity* project did not operate as well as anticipated. The city decided to not renew its franchise with Xcel in 2010. The city voters approved a utility occupation tax to replace the revenue lost from the franchise fee by adopting Ordinance No. 7751.

The city has continued to conduct more modeling, engineering, and feasibility analyses, all of which have shown the acquisition of the electric utility to be feasible. In November 2011, the voters approved an increase and extension of the utility occupation tax to explore municipalization as well as amendments to the City Charter that set the framework for the electrical utility, covering community goals, issues of organization, governance, financial requirements, and service standards by adopting Ordinance No. 7808.

City Charter §178 provides that the City Council will establish a light and power utility only if it can demonstrate, with verification by a third-party independent expert, that the utility can acquire the electrical distribution system in Boulder and charge rates that do not exceed those rates charged by Xcel Energy at the time of acquisition and that such rates will produce revenues sufficient to pay for operating expenses and debt payments, plus an amount equal to twenty-five percent (25%) of the debt payments, and with reliability comparable to Xcel Energy and a plan for reduced greenhouse gas emissions and other pollutants and increased renewable energy.

More recently, the City Council commissioned the third-party evaluation of the feasibility of the creation of the utility. On April 16, 2013, the council passed Ordinance No. 7898 authorizing the city manager to complete the third-party evaluation described in City Charter §178. In the summer of 2013, an independent third-party evaluator, PowerServices, Inc., completed this third-party evaluation and concluded that the city's analysis was reasonable.

The City Council adopted the findings of the third-party evaluation by Ordinance No.7917 after final reading on August 20, 2013, concluding that the conditions precedent to the creation of a light and power utility in Charter § 178(a) have been satisfied.

The City Council also passed Ordinance No. 7918, which authorizes the acquisition of property interests owned by Xcel Energy, by negotiation and purchase or through the power of eminent domain.

In the November 2013 election, two measures related to a city electric utility were on the ballot. The first measure was a citizen-initiated measure to place restrictive general limitations related to utility debt. That measure failed. (see Ordinance No. 7919) The other measure was a limitation on the amount of debt that could be issued by the utility for the purpose of acquiring the existing assets of the electric system and for paying stranded costs in one payment in an amount not-to-exceed \$214,000,000 and charter amendments that were intended to require fair treatment of potential out-of-city utility customers. That measure was approved by the voters adopting changes to the charter that are included in Ordinance No. 7920.

The city continues to prepare for the creation of the electric utility. The adoption of the attached ordinance will provide the framework for the new utility.

ANALYSIS:

The attached ordinance establishes the utility with the limitations as described in the charter. While there is still work to be done, largely in the regulatory and legal arenas, establishing this utility now is an essential step in terms of future financing. To enter into the financial markets, the city will have to demonstrate that: (1) the city has a utility, (2) the utility has the authority to issue bonds, and (3) the utility has the ratemaking authority that will allow it to cover the cost of operations, maintenance and debt service.

The city is preparing for the creation of a city electric utility. One of the components of that effort will be the acquisition of the local distribution system. The city has done a great deal of work in anticipation of ultimately filing a petition for condemnation if it is unable to agree with Xcel on a negotiated purchase of the system. In order to continue in these efforts, the city needs to be able to demonstrate that it can fund the purchase price. It is anticipated that this will be completed through utility revenue bonds or other obligations whether that price is negotiated or by condemnation. In order to use the revenue raising approach that the voters approved in the charter, the city will need to create the utility.

The City Council is asked to adopt the attached ordinance that establishes the framework for the municipal electric utility. The ordinance does the following:

1. It creates the light and power utility by ordinance, as required by City Charter

- § 180(i). The utility is provided with all of the powers that are delegated to cities and utilities under the City Charter, the Colorado constitution, state law, and the ordinances of the City Council.
2. It establishes the City Council as having the authority as the governing body of the utility. It will serve this role, as well as the responsibilities of the advisory board, until the utility has issued bonds and has revenues to qualify as an enterprise under TABOR.
 3. It creates the utility advisory board with all of the powers that are enumerated in City Charter §§185 to 187. It is anticipated that the council will appoint members to the board at a future date after it has gone through the bond issuance process and is operating the utility. When created, the board members will be drawn from city residents, utility customers, and employees of business or institutional customers of the utility.

Given that the city will probably be involved in litigation in the near future over its acquisition efforts, it will be performing several acts needed to create a new utility, including issuing bonds and other one-time acts that will not be repeated as an ongoing utility. Having the council serve as the utility advisory board for these initial actions will help the staff's ability to work quickly and efficiently in its acquisition efforts.. Once the city is closer to actually operating the utility, it will be beneficial to have the advice of an appointed utility advisory board.

It is anticipated that this will be a starting point for local utility regulations. Over time, Chapter 11-7, "Light and Power Utility," B.R.C. 1981, will be expanded and developed similar to the ordinances establishing and regulating the city's water, wastewater, and storm water management and flood control utilities. This initial ordinance is intended to enable the utility to use the revenue bonding authority that the voters approved in §180 and §181 of the City Charter.

This ordinance does not include the detailed regulatory requirements of the utility similar to what one would find in the city's other utilities ordinances. The thought is that, as the city moves forward on municipalization, it would continue to amend and build this section as the city gains more knowledge about the specific governance needs of an electric utility. Also, while integrating the charter powers into the utility gives it rate making authority, it does not set rates; that will need to occur in the future by way of a separate process and rate ordinance.

The ordinance does not include any of the climate action plan tax revenue or tax funded programs or any of the concepts of service utilities that were listed in the white paper titled, "Exploring Opportunities for Reaching Boulder's Energy Future Goals" (December 2012). This is intentional in that it is safer for the utility to operate those, at least for the present point in time, as government programs rather than utility programs. As general governmental programs operating through the use of taxes, the city can avoid the comingling of tax revenues and electric fees that could have adversely affected the city's bonding power under TABOR, thus compromising the utility's authority to issue revenue bonds without voter approval.

Feasibility of the creation of a utility continues to be evaluated as the city learns more about the system, its value, and operations and maintenance. The adoption of this ordinance does not require the acquisition of a system or equipment. It simply enables the next step. If, in the future, the council decides not to complete the municipalization process, it can repeal this ordinance.

OPTIONS

Approve, amend, delay, or not pass the attached ordinance.

ATTACHMENTS:

Attachment A: Proposed Ordinance

ORDINANCE NO. 7969

AN ORDINANCE AMENDING TITLE 11, "UTILITIES AND AIRPORT," B.R.C. 1981, BY THE ADDITION OF A NEW CHAPTER 7, "LIGHT AND POWER UTILITY;" AMENDING CHAPTER 2-3, "BOARDS AND COMMISSIONS," B.R.C. 1981, BY THE ADDITION OF A NEW SECTION RELATED TO THE CREATION OF AN ELECTRIC UTILITY BOARD; AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

A. City Charter § 178 provides that the city council will establish a light and power utility only if it can demonstrate, with verification by a third-party independent expert, that the utility can acquire the electrical distribution system in Boulder and charge rates that do not exceed those rates charged by Xcel Energy at the time of acquisition and that such rates will produce revenues sufficient to pay for operating expenses and debt payments, plus an amount equal to twenty-five percent (25%) of the debt payments, and with reliability comparable to Xcel Energy and a plan for reduced greenhouse gas emissions and other pollutants and increased renewable energy.

B. The city council passed, on final reading on April 16, 2013, Ordinance No. 7898 authorizing the city manager to complete the third-party evaluation described in City Charter § 178.

C. The city council adopted the findings of the third-party evaluation by Ordinance No. 7917 after final reading on August 20, 2013, concluding that the conditions precedent to the establishment of a light and power utility in Charter § 178(a) have been satisfied.

D. The city council intends by this ordinance to establish the light and power utility by amending Title 11, Utilities and Airport," B.R.C. 1981 by the addition of a new chapter 7.

E. The city council intends that this ordinance will be amended from time to time as necessary to further implement the city light and power utility acquisition efforts.

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

Section 1. Title 11, "Utilities and Airport," B.R.C. 1981, is amended by the addition of a new Chapter 7, to read:

1 **Chapter 11-7 Light and Power Utility**

2 **11-7-1 Legislative Intent.**

3 (a) Purpose. The purpose of this chapter is to establish and define the light and power utility
4 of the city, to describe the responsibility of electric users, and to promote the public
5 health, safety and welfare.

6 (b) Legislative Intent. The city council intends to:

7 (1) Establish a light and power utility under the authority in the state constitution, the
8 city charter, and all other laws applicable to the establishment of light plants,
9 power plants, and any other public utilities or works or ways local in use and
10 extent for the provision of local electric and related energy services;

11 (2) Operate the light and power utility in a manner that is consistent with Article XIII
12 of the city charter generally and specifically, the purposes and intent in Article
13 XIII, § 178, including without limitation, delivering safe and reliable energy,
14 operating in a fiscally responsible manner, using cleaner energy, establishing rate
15 payer equity, and operating under principles of responsible environmental
16 stewardship;

17 (3) Serve the duties and functions of the electric utilities board until board members
18 are appointed after the utility has issued bonds and is receiving revenue that will
19 qualify it as an enterprise under the “Taxpayer’s Bill of Rights,” Article X,
20 Section 20 of the Colorado Constitution. ; and

21 (4) Provide electric services by means of an enterprise, as that term is defined by
22 Colorado law. The city council further declares its intent that the city’s light and
23 power utility enterprise be operated and maintained so as to exclude its activities
24 from the application of the “Taxpayer’s Bill of Rights,” Article X, Section 20 of
25 the Colorado Constitution.

17 **11-7-2 Powers of the Utility.**

18 (a) Powers of the Utility. The light and power utility shall have all of the powers that it may
19 have by virtue of any of the applicable provisions of the Colorado Constitution, state law,
20 the city charter, this code, and any other applicable laws or rules.

21 (b) Utility as an Enterprise. The light and power utility shall conduct its affairs so as to
22 continue to qualify as an “enterprise” within the meaning of Article X, Section 20 of the
23 Colorado Constitution provided however that the governing body may take any action
24 that would cause the utility to not qualify as an enterprise in a given year if it determines
25 such action would benefit its customers or the city.

23 **11-7-3 Governing Body.**

24 (a) City Council as Governing Body. For all purposes under the city charter and this
25 code, the governing body of the light and power utility enterprise shall be the city
council. The governing body shall be subject to all of the applicable laws, rules, and

1 regulations pertaining to the city council. Whenever the city council is in session, the
 2 governing body shall also be deemed to be in session. It shall not be necessary for
 3 the governing body to meet separately from the regular and special meetings of the
 4 city council, nor shall it be necessary for the governing body to specifically
 5 announce or acknowledge that actions taken thereby are taken by the governing body
 6 of the light and power utility enterprise. The governing body may conduct its affairs
 7 in the same manner and subject to the same laws which apply to the city council for
 8 the same or similar matters.

- (b) City Council as Advisory Board. Until such time as the city council appoints an
 6 electric utility board as anticipated by City Charter § 185(g) the city council shall be
 7 responsible for fulfilling the responsibilities of the electric utilities board.

8 Section 2. Chapter 2-3, “Boards and Commissions,” B.R.C. 1981, is amended by the
 9 addition of a new Section 2-3-23, to read:

10 **2-3-23 Electric Utility Board.**

- 11 (a) Electric Utility Board. The City of Boulder electric utility board consists of nine
 12 members not all of the same gender. The members of the board shall not hold any
 13 other office in the city and shall serve without pay.
- 14 (b) Chair and Secretary. The board shall choose a chair and a secretary from among its
 15 members. The director of electric utilities may be designated as secretary by the
 16 board.
- 17 (c) Regular and special meetings. The board shall have regular meetings once a month.
 18 Special meetings may be called at any time by the city manager, the chair, or four
 19 members of the board upon the giving of at least 24 hours notice of said special
 20 meeting to the board members.
- 21 (d) Quorum. Five members of the board shall constitute a quorum. An affirmative vote
 22 of a majority of the members present shall be necessary to authorize any action by
 23 the board, except as otherwise expressly provided herein.
- 24 (e) Record of meetings. The board shall keep minutes and records of its meetings,
 25 recommendations, and decisions.
- (f) Rules of order. Except as otherwise expressly provided herein, the board shall have
 power to make rules for the conduct of its business.
- (g) Board member qualifications. Board members shall be qualified to serve on an
 advisory commission pursuant to Section 130 of the city charter, customers of the
 electric utility, or the owners or employees of a business or governmental entity that
 is a customer of the electric utility, provided, however, that a majority of the board
 shall be qualified to serve on an advisory commission pursuant to Section 130.

1 Board members shall be well known for their ability, probity, public spirit, and
2 particular fitness to serve on the electric utilities board. At least three board members
3 shall be owners or employees of a business or governmental entity that is a customer
4 of the electric utility.

- 5 (h) Board member duties and functions. The duty of each member shall be to represent
6 the entire utility customer base without discrimination between customer class or
7 location and without regard to the location or class of customer or the member. The
8 duties and functions of the electric utilities board are those established in the charter,
9 this code and other ordinances of the city, including without limitation:
- 10 (1) Advice. To advise the city council on policy matters pertaining to the municipal
11 electric and utility systems, including without limitation such policies as the board
12 determines are necessary or prudent to carry out its fiduciary duties and the
13 requirement of the charter;
 - 14 (2) Sounding Board. To act as a sounding board to the city council, city manager, and
15 the electric utility director for the purpose of identifying the ratepayers' service
16 delivery expectations;
 - 17 (3) Rulemaking. To adopt rules and regulations with respect to any matter within its
18 jurisdiction as it may be permitted by the council;
 - 19 (4) Meeting Rules. To adopt bylaws governing its meeting and agenda procedures
20 and other pertinent matters;
 - 21 (5) Budget and Appropriations. To review and make recommendations to the city
22 council on the city manager's proposed budget and appropriation as it relates to
23 the utility;
 - 24 (6) Revenue Bonds. To review and make recommendations to the city council
25 concerning the issuance of revenue bonds or other obligations payable from
revenues of the electric utilities enterprise;
 - (7) Other Recommendations. To review and make recommendations on any other
matter relating to the electric utilities program, and may request and obtain from
the electric utilities department and the city manager information relating thereto.
- (i) Public Hearings. Prior to making any recommendation to the council or the city
manager, the board shall hold a public hearing.
- (j) No subpoenas. The board is not authorized to issue subpoenas.
- (k) Electric utility board member appointments. The council will appoint the electric
utility board prior to or concurrent with the point in time that the utility has issued
bonds and is receiving revenue that will qualify it as an enterprise under Article X,
Section 20 of the Colorado Constitution. Until such time as the board is appointed,
the city council shall be responsible for fulfilling the responsibilities of the electric
utility board.

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only and adopt emergency Ordinance No. 7974 amending Uection 5-3-6 “Use of Fighting Words,” B.R.C. 1981. to require an intent to harass, alarm or annoy and setting forth related details.

PRESENTERS:

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Greg Testa, Acting Police Chief
Janet Michels, Senior Assistant City Attorney

EXECUTIVE SUMMARY:

On April 30, 2014, the Boulder County District court issued a decision striking down the city’s “Fighting Words” ordinance. This ordinance is a useful tool in addressing potentially violent behavior and deescalating confrontations. The district court held that the ordinance was unconstitutional, because it did not expressly require that the defendant have intent to harass alarm or annoy. The Boulder Municipal Court had previously interpreted the ordinance to implicitly include such a requirement. The proposed ordinance would make express the intent requirement that previously was implied.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to introduce on first reading, and order published by title only an emergency ordinance amending Chapter 5-3, “Offenses Against the Person,” B.R.C. 1981 by amending section 5-3-6 “Use of Fighting Words,” to require an intent to harass, alarm or annoy and setting forth related details.

BACKGROUND:

The city and state have long had prohibitions against the use of “fighting words.” These restrictions help preserve public order by allowing police to intervene and if necessary cite a person who is provoking another before that behavior escalates to violence. The city’s existing ordinance tracks closely with a similar state law that was upheld by the Colorado Supreme Court in *People ex. rel. Van Meveren v. County Court*, 551 P.2d 716 (Colo. 1976). However, the state statute includes a requirement that the defendant have an intent to harass, alarm or annoy. The city’s ordinance does not. The proposed amendment would add such a requirement.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic:
None identified.
- Environmental:
None identified
- Social:
The fighting words ordinance is used to maintain the peace. It allows officers to intervene before behavior escalates. It also allows the officer to charge a person who provokes another.

OTHER IMPACTS

- Fiscal:
None identified.
- Staff Time:
None identified.

Analysis:

The proposed amendment would add a requirement that the defendant intend to harass, alarm or annoy. It would also clarify that the defendant must have acted “repeatedly.” This avoids the possibility that a person could be charged for uttering a single word. Both of these amendments conform to existing practice.

Staff recommends that the council adopt this ordinance by emergency because, as of April 30, Boulder Police officers have been unable to cite defendants for fighting words. It is important for public safety that police officers have this important tool.

Attachment

Proposed Ordinance – Attachment A
District Court decision in *City of Boulder v. LaFont* – Attachment B

EMERGENCY ORDINANCE NO. ____

AN EMERGENCY ORDINANCE AMENDING SECTION 5-3-6, "USE OF FIGHTING WORDS," B.R.C. 1981, ADDING A REQUIREMENT THAT THE BEHAVIOR BE REPEATED AND THAT THE DEFENDANT ACT WITH AN INTENT TO HARASS, ALARM OR ANNOY, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 5-3-6, B.R.C. 1981 is amended to read:

5-3-6 Use of Fighting Words.

No person shall, with intent to harass, annoy or alarm another, repeatedly insult, taunt, or challenge another in a manner likely to provoke a disorderly response. If the person to whom such insult, taunt, or challenge is directed is a police officer, there is no violation of this section until the police officer requests the person to cease and discontinue the conduct, but the person repeats or continues the conduct

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 4. The City Council finds that an emergency is present and that this ordinance is necessary for the immediate preservation of the public peace, health, or property that this ordinance be effective immediately.

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READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY
MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____,2014.

Mayor

Attest:

City Clerk

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-3726	
<p>Plaintiff:</p> <p>THE PEOPLE OF THE CITY OF BOULDER, by and on behalf of, PEOPLE OF THE STATE OF COLORADO.</p> <p>v.</p> <p>Defendants:</p> <p>MUNICIPAL COURT IN AND FOR THE CITY OF BOULDER and CAMILLE MIMI TOLSON LAFONT</p>	<p>DATE FILED: April 30, 2014 CASE NUMBER: 2013CV31037</p> <p>▲ COURT USE ONLY ▲</p>
<p><i>Attorney for Plaintiff:</i> Office of the City Attorney, Thomas Carr and Michael Whitney</p> <p><i>Attorney for Defendants:</i> CU Law Clinical Programs, Ann England and Kevin Cheney</p>	<p>Case Number: 2013CV31037 Division 2 Courtroom I</p>
<p align="center">ORDER RE: APPEAL FROM THE BOULDER MUNICIPAL COURT PURSUANT TO RULE 106(A)(4), C.R.C.P.</p>	

Plaintiff appeals from the decision of the Boulder Municipal Court in Case No. CR-2013-2296-GE. Plaintiff filed its Opening Brief on December 6, 2013. Following an order of the Court granting additional time to object to the designation of the record and file its response, Defendant filed an Answer Brief on January 27, 2014. A Reply Brief was received on February 10, 2014. CU Student Legal Services filed an *Amicus Curiae* Brief on February 28, 2014. Plaintiff had moved to strike that pleading. On April 10, 2014, the Court heard oral arguments. Having reviewed the record on appeal, the pleadings of the parties, counsel's arguments and the applicable law, the Court finds and rules as follows:

BACKGROUND

Defendant-Appellee Camille LaFont was initially charged with Brawling under § 5-7-4 of the Boulder Revised Code. The Boulder City Attorney later amended the charge to Use of Fighting Words - § 5-3-6, Boulder Revised Code. Defendant filed motions for discovery, seeking criminal records of the People's witnesses, and to dismiss the charge, alleging that Boulder's Use of Fighting Words ordinance is unconstitutional. In separate rulings, the trial

court ordered that prosecutors provide Defendant with criminal histories for their witnesses and declared the ordinance facially unconstitutional. Plaintiff-Appellant the People of the City of Boulder brought this appeal on both issues. University of Colorado Student Legal Services filed a brief as *Amicus Curiae*, to which Plaintiff objected. At the outset of the April 10 hearing, the Court denied Plaintiff's Motion to Strike the brief, although it struck a portion that raised a legal theory not previously advanced by Defendant.

QUESTIONS PRESENTED

- I. Did the trial court abuse its discretion when it ordered the City Attorney to provide criminal histories for witnesses it planned to call in a criminal prosecution?
- II. Is the City of Boulder's "Use of Fighting Words" ordinance unconstitutional on its face?

STANDARD OF REVIEW

An appeal under C.R.C.P. 106(a)(4) requires "a determination of whether the body or officer exceed its jurisdiction or abused its discretion, based on the evidence in the record before the defendant body or officer." "The misapplication or misinterpretation of applicable law constitutes an abuse of discretion." *Griff v. City of Grand Junction*, 262 P.3d 906, 909 (Colo. App. 2010), citing *Board of County Comm'rs v. Conder*, 927 P.2d 1339 (Colo. 1996). "Abuse of discretion has occurred if a decision is not reasonably supported by any competent evidence in the record, or if the agency has misconstrued or misapplied applicable law." *Sheep Mountain Alliance v. Board of County Comm'rs, Montrose County*, 271 P.3d 597, 601 (Colo. App. 2011). Questions of law are reviewed *de novo* by the appellate court. *Danielson v. Dennis*, 139 P.3d 688, 690-691 (Colo. 2006).

ANALYSIS

- I. **Did the trial court abuse its discretion when it ordered the City Attorney to provide criminal histories for witnesses it planned to call in a criminal prosecution?**

As part of her preparation in this case, Defendant filed a motion asking the trial court to order the city prosecutor to turn over "all records of criminal convictions for any person the prosecuting attorney plans to call as a witness." Defendant based her request on C.R.Crim.P. 16. The City Attorney objected, and argued that the trial court should be guided by C.M.C.R. 216, not Rule 16. The City Attorney also stated that it was not in possession of the criminal histories of its witnesses and did not have the authority to access the federal databases necessary to obtain them. The trial court, in its order of June 3, 2013, pointed out that the Boulder Police Department had the necessary access, and directed the City Attorney to secure criminal histories

from the police department and supply them to Defendant. The Court relied on C.M.C.R. 216, *Brady v. Maryland*, 373 U.S. 83 (1963), and *People v. Corson*, 2013 COA 4 (Colo. App. 2013), (cert. granted). The City Attorney filed a Motion for Reconsideration and attached an e-mail exchange with the Boulder Police Department and the Colorado Bureau of Investigation. The e-mails stated that the Boulder Police Department could not share information it gleaned from the federal databases with the City Attorney, and could lose its access if it did. That Motion was denied without comment.

The parties both state that the trial court relied heavily on *Corson* in finding that Plaintiff had a duty to disclose the criminal histories of witnesses. The Court agrees, and would go further, finding that the trial court relied almost *exclusively* on *Corson*. The Court finds that reliance misplaced. The *Corson* court was analyzing the issue of whether records of juvenile adjudications are subject to the discovery requirements of Rule 16 in a state court proceeding. The ruling cited both Rule 16(I)(a)(1)(V) (a prosecutor shall disclose to defense counsel the criminal history of any person the prosecuting attorney intends to call as a witness in the case) and Rule 16(I)(a)(2) (the prosecutor shall disclose to the defense any information within his or her possession or control which tends to negate the guilt of the accused). The latter is commonly referred to the *Brady* rule. The trial court went on to quote *Corson* for the well-settled principle that “a prosecutor has both a statutory and a constitutional obligation to disclose to the defense any material, exculpatory evidence he or she possesses.”

The Court finds that C.R.Crim.P. 16, is not applicable to this matter. The Colorado Supreme Court, recognizing that municipal court proceedings, even criminal matters, are distinct from state court proceedings, promulgated the Colorado Municipal Court Rules of Procedure. Initially, the Court stated that “[t]hese rules shall govern the procedure in all municipal charter and ordinance violation cases.” C.M.C.R. 201. The Court reinforced that principle in ruling on an appeal from a defendant who sought the dismissal of her case when a trial de novo in county court of a municipal ordinance violation was not given within the truncated speedy trial deadline afforded by C.M.C.R. 248(b). *Rainwater v. County Court*, 604 P.2d 1195 (Colo. 1979). In the Rules, the Court went on to state “[t]hese rules are intended to provide for the just determination of all municipal charter and ordinance violations. They shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.” C.M.C.R. 202.

Discovery in a municipal court prosecution is governed by C.M.C.R. 216. The opposite side of the coin that affords a defendant in municipal court a right to a shortened speedy trial period, is the rulemakers’ decision to limit discovery in municipal court. While Rule 16 has a lengthy list of materials - including criminal histories - which must be turned over in every case (Rule 16(I)(a)(1)), Rule 216 requires no disclosures except upon motion. Rule 216 never specifically mentions criminal histories. Similarly, Rule 16 requires the prosecution to actively seek discoverable documents that are not in its possession but are held by other government agencies and directs the trial court to issue subpoenas for the documents if necessary. Rule 16(I)(c). The municipal rules contain no such provision. In fact, under Rule 216, without a request or order from the trial court, the prosecution has no obligation to even provide the names or statements of witnesses. Rule 216(b).

Defendant urges the Court to recognize the trial court's authority to craft new discovery rules pursuant to Rule 216(e), which states that municipal courts "may make such additional rules for discretionary or mandatory discovery by the defense or by the prosecution as are consistent with these rules and applicable law." This may be what the trial court intended when it wrote that "[t]he court recognizes that this ruling constitutes a departure from prior practice in this court..." Although Rule 216(e) seems on its face to support Defendant's position, the Court must read the municipal rules as a whole and believes the trial court's power to create new rules is controlled by Rule 257. With Rule 257, the Supreme Court expressed the reasonable need for conformity among municipal courts: "[e]ach municipal court may from time to time propose municipal court local rules and amendments to municipal court local rules. A proposed local rule or amendment shall not be effective until it is approved by the Supreme Court." The alternative, or course, would be a hodgepodge of local rules with defendants in one jurisdiction having a different set of rights than those in another.

The municipal rules grant the trial court the authority, upon motion of the defendant or its own motion, to order the prosecution to provide defendants with access to discoverable materials that "are within the prosecution's possession and control..." Rule 216(a). It is settled law that statements in the possession of a local police department are deemed to be in the possession and control of the prosecutor. *People v. Lucero*, 623 P.2d 424 (Colo. App. 1980), citing *Ortega v. People*, 426 P.2d 180 (Colo. 1967). Here, the trial court found that the criminal histories at issue were constructively in the prosecutor's possession as the Boulder Police Department could access such records. "The City of Boulder Police Department has access to criminal histories. The City Attorney's Office may obtain criminal histories through the police department." *Order*, June 3, 2013. This ruling does not appear to be supported by the record. It is uncontroverted that the prosecution was forced to obtain a subpoena to gain access to the criminal histories ordered by the trial court. In a series of e-mail communications attached to its Motion to Reconsider the trial court's order, the prosecution clearly established that the Boulder Police Department would not turn over the requested criminal histories, and that the Colorado Bureau of Investigation both supported the police department's position and would not itself release the records without a subpoena. *Exhibits A, B, and C to Motion to Reconsider*. Accordingly, the Court finds that the criminal histories of witnesses were not in the "possession and control" of the prosecution, and their production was not envisioned by Rule 216(a).

Finally, the Court is not convinced by Defendant's argument that due process requires production of the potentially exculpatory information in criminal histories under the facts of this case. Defendant offers *Corson* for the proposition that a prosecutor has both a statutory and a constitutional obligation to disclose to the defense any material, exculpatory evidence her or she possesses. This is a well-settled principle of due process jurisprudence. *Salazar v. People*, 870 P.2d 1215 (Colo. 1994), citing *Brady v. Maryland*, 373 U.S. 83 (1963). In fact, the courts have gone further, requiring disclosure of any material in the prosecutor's possession or control that tends to negate the guilt of the accused, including evidence that bears on the credibility of a prosecution witness. *People v. Bradley*, 25 P.3d 1271, 1276 (Colo. App. 2001). However, Plaintiff correctly points out that *Brady* and its progeny universally refer to a defendant's due process rights as implicated when the prosecution "suppresses" evidence or fails to disclose evidence within its possession and control. *See, e.g., Salazar; People v. Gann*, 724 P.2d 1318 (Colo. 1986); *United States v. Bagley*, 473 U.S. 667 (1985). The Court is likewise persuaded by

Plaintiff's assertion that when the Supreme Court drafted the revisions to C.M.C. R. in 1988, *Brady* had been the law of the land for more than two decades. Nevertheless, the rules clearly afford defendants sharply curtailed rights to discovery in municipal courts. The Court finds, therefore, that Defendants due process rights are not violated by limiting discovery to that available under Rule 216(a).

For all of the reasons stated above, the Court finds that the trial court misapplied Rule 216 and abused its discretion in ordering the prosecution to obtain and disclose criminal histories of anticipated prosecution witnesses in this case.

II. Is the City of Boulder's "Use of Fighting Words" ordinance unconstitutional on its face?

As noted above, the Court conducts a de novo review of the lower court's finding that the City of Boulder "Use of Fighting Words" ordinance, § 5-3-6, Boulder Revised Code, is overly broad and unconstitutional on its face. Statutes are presumed to be constitutional and a party challenging the facial constitutionality of a statute has the burden of establishing that the statute is unconstitutional beyond a reasonable doubt. *Hinojos-Mendoza v. People*, 169 P.3d 662 (Colo. 2007). The right of free speech is not absolute and governments may enact laws which prohibit words that incite violence – what are commonly referred to as "fighting words." *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942). At the same time, courts must be particularly sensitive to statutes or ordinances that criminalize speech. The Supreme Court summed up the high wire act courts must perform when reviewing statutes implicating freedom of speech in *Bolles v. People*, 541 P.2d 80 (Colo. 1975), citing *People v. Vaughn*, 514 P.2d 1318 (Colo. 1973):

Recognition of the delicate and vulnerable nature of (the First Amendment) freedoms and the fact that they "need breathing space to survive" mandates that we give the closest scrutiny to state action which has the effect of curtailing or chilling free expression. Not only must a statute infringing upon expression be justified by an overriding state interest, but such a statute may be applied only where there is a clear and present danger to such interest.

Bolles at 82.

Boulder's "Use of Fighting Words" ordinance, § 5-3-6, Boulder Revised Code, reads in pertinent part; "No person shall insult, taunt, or challenge another in a manner likely to provoke a disorderly response." The ordinance is patterned on a subsection of the Colorado state statute governing harassment by insulting, taunting, challenging or making communications in offensively coarse language. § 18-9-111(h), C.R.S. That statute was found to be constitutional in *People ex. rel. Van Meveren v. County Court*, 551 P.2d 716

(Colo. 1976). However, when the City of Boulder adopted the ordinance it deleted the intent element found in the harassment statute. Defendant urges the Court to find that the lack of a *mens rea* component to the ordinance makes it unconstitutionally overbroad. Plaintiff argues that the ordinance passes constitutional muster because it contains the limiting language “in a manner likely to provoke a disorderly response.”

Plaintiff repeatedly emphasizes the fact that in the leading cases in this area, the Courts’ decisions were not focused on the intent element of the statutes in question, instead analyzing the effect of the speech in clauses such as “in a manner likely to provoke a disorderly response.” It is also true that the statutes being reviewed in *Chaplinsky*, *Van Meveren*, *Bolles*, and all other Colorado cases on point have specific intent requirements. Defendant also directs the Court to a body of law indicating that strict liability crimes are generally disfavored when they implicate the First Amendment. *Smith v. California*, 361 U.S. 147 (1959); *New York Times v. Sullivan*, 376 U.S. 254 (1964); *Cohen v. California*, 403 U.S. 15 (1971). It seems inarguable that the inclusion of an intent element in statutes burdening free expression acts as an additional limiting provision on the breadth of speech being restricted. Under the heightened scrutiny afforded statutes implicating fundamental rights, both the “intent” element and “effect” element may be necessary to produce a statute which does not proscribe constitutionally protected speech. Like a suit worn with both belt and suspenders, a statute limited by both a specific intent element and an “effect” clause may comfortably be said to be narrowly tailored.

Both the parties and the trial court in the hearing on Defendant’s motion engaged in a battle of the hypotheticals to analyze whether the ordinance is overly broad. The use of hypotheticals is a logical and recognized method of examining whether the scope of a statutory prohibition on speech exceeds that which is constitutionally permissible. See *Bolles*, supra, at 81. The trial court cited several examples of political protestors who hold signs or make comments that “insult, taunt or challenge” passersby, but with the intent to express deeply held, if sometimes offensive, views and spark political discussion, not to “harass, annoy, or alarm.” The trial court ultimately found that the ordinance in question “could include many, many, many instances of a person using with the intent to politically convince another person and so insult, taunt, or challenge another person by using protected First Amendment speech.” Tr., p. 66, ll 19-23. The Court agrees that the “effect” clause in the municipal ordinance does not sufficiently limit the scope of speech being prohibited. Therefore, the ordinance is overly broad because it lacks a *mens rea* element similar to those found in the statutes that have previously been reviewed by other courts. The Court finds beyond a reasonable doubt that § 5-3-6, Boulder Revised Code is overly broad and unconstitutional on its face.

CONCLUSION

The Court finds that the trial court abused its discretion in ordering the municipal prosecutor to obtain and provide criminal histories of prosecution witnesses to Defendant. The Court, after conducting a de novo review of the City of Boulder “Use of Fighting Words” ordinance, finds beyond a reasonable doubt that the ordinance is overly broad and unconstitutional on its face. The case is remanded to the Boulder Municipal Court for action consistent with this decision.

Done this 30th day of April, 2014.

By the Court:



Bruce Langer

District Court Judge

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM
MEETING DATE: May 6, 2014**

AGENDA TITLE

Appointments to Boards and Commissions

PRESENTERS

Jane Brautigam, City Manager

Alisa D. Lewis, City Clerk and Director of Support Services

Alisa R. Darrow, Deputy City Clerk

SUMMARY:

Staff is requesting that Council make appointments to the City of Boulder Boards and Commissions for the 2014 special recruitment.

The following is an excerpt from council procedures, Section VII, B.R.C., 1981 outlining the process for nominating and appointing board and commission members. You may also refer to your City Council Handbook on page 21. Please note that item F below indicates that board and commission appointments are to be conducted in the same manner as described in this section.

IX. Nominations and Elections

E. Nominations. At the conclusion of public testimony, council will consider nominations for mayor and mayor pro tem. Any council member may nominate anyone that expressed an interest and made a speech at the second Tuesday in November, including himself or herself, for either position. Provided, however, that the requirement of prior expression of interest shall be waived for any council member whose election was not decided before the second Tuesday in November. Nominations for mayor and acting mayor (generally referred to as mayor pro tem) are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.

F. Order of Vote. A motion then is made and seconded to close the nominations and acted on as any motion. The voting is accomplished by raising of hands unless there is only one nomination and a unanimous vote for the candidate. The names shall be called in alphabetical order or reverse alphabetical order depending upon a flip of a coin by the clerk, who shall thereafter

alternate the order for all further election ballots during the same meeting.

G. Ballots. If it is the desire of the council to use paper ballots rather than a voice vote, such a procedure is proper. However, since there is no provision for a secret vote, each ballot must be signed by the council member casting the vote.

H. Elimination Process. If any of the candidates nominated receives five votes on the first ballot, such person is declared elected. If none of the candidates receives five votes on the first ballot, the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. If this elimination would leave one candidate or less for the office, another vote is taken, and once again the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. In the event that one candidate or less is left for the office after the second vote, a flip of a coin shall be used in order to eliminate all but two candidates for the office.

I. Impasse Process. In the event that neither of the two final candidates receives five votes on the first ballot on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives such a majority vote, the meeting shall be adjourned for a period not to exceed twenty-four hours, and new nominations and new ballots shall be taken. If no candidate receives five votes on the first ballot at the adjourned meeting on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives a majority vote on the second such ballot at the adjourned meeting, a flip of a coin shall be used to determine which of the two final candidates shall be declared elected as mayor or mayor pro tem.

J. Appointment of Board Alternates. In the event that the Boulder Revised Code provides for the appointment of temporary alternate board members, such members shall be appointed as follows: The most recently departed member of the board needing a temporary alternate, who is eligible and able to serve, shall be appointed. In the event that more than one member departed at the same time, alternates shall be chosen in reverse alphabetical order, with appointments alternating between the eligible and able former members who departed at the same time. In the event that the most recently departed member is not eligible or able to serve, the next previously departed member shall be chosen, applying the procedure above if there is more than one potential appointee. No person shall be eligible for a temporary alternate appointment if he or she was removed from the board by the council. A temporary alternate shall be appointed only when a member's absence either results in the lack of a quorum or may prevent the board from taking action. No person appointed as a temporary alternate shall serve at two consecutive meetings of the board to which he or she is appointed unless it is necessary to complete an agenda item that has been continued to another meeting.

K. Boards and Commissions. Elections to fill positions on boards or commissions shall be

conducted in the same manner. However, a majority of the council members present rather than a majority of the full council is sufficient to decide an election of this nature. Each board or commission vacancy shall be voted on separately.

L. Advertising of Vacancies After Partial Terms. Prior to advertising board and commission vacancies, when a person has already served on the board or commission and is seeking reappointment, council should make the decision of whether or not to advertise that particular vacancy.

LIST OF APPOINTMENTS REQUESTED:

Boulder Junction Access District – Parking Commission (BJAD-PC)	Appoint one new member to a five-year terms One citizen at large
Boulder Junction Access District – Travel Demand Management Commission (BJAD-TDM)	Appoint one new member to a five-year terms One citizen at large
Boulder Urban Renewal Authority (BURA)	Appoint two new members, one to a five-year term and one to a three-year term
Landmarks Board	Appoint one new member to a five-year term
University Hill Commercial Area Management Commission (UHCAM)	Appoint three new members, one to a five-year term, one to an unexpired term ending March 31, 2017 and one to an unexpired term ending March 31, 2018 Must be property owners/representatives

* Property Owner/Representative: A person who owns, or an entity which owns, taxable real or personal property within the district or an agent authorized in writing by such a person or entity to sign Consents for petitions.

MATTERS TO CONSIDER IN MAKING APPOINTMENTS

The following people currently hold seats that expired March 31, 2014 and are seeking reappointment:

Boulder Urban Renewal Authority	Chet Winter (appointed 04/2009)
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TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: May 6, 2014
SUBJECT: Information Packet

1. Call Ups

- A. Vacation of a 500 square foot utility running along the southern property line at 3584 Kirkwood Place (ADR2014-00047).

2. Information Items

- A. Boulder's Energy Challenge Grant Program
- B. Yamagata Sister City - Distribution of \$11,569 gift to benefit children impacted by the Boulder flood

3. Boards and Commissions

- A. Human Relations Commission – April 21, 2014
- B. Landmarks Board – March 5, 2014
- C. Library Commission – March 5, 2014
- D. Open Space Board of Trustees – April 9, 2014
- E. Transportation Advisory Board – January 13, 2014
- F. Transportation Advisory Board – February 10, 2014

4. Declarations

- A. 30 Years of Excellence in Gymnastics Programming – May 1, 2014
- B. Reaffirmation of Mante Sister City Agreement – April 22, 2014
- C. Nepal Day – May 4, 2014
- D. Honoring the Uniformed Services of the United States of America – May 19-26, 2014



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Charles Ferro, Development Review Manager
Jonathan Woodward, Associate Planner

Date: May 6, 2014

Subject: Call-Up Item: Vacation of a 500 square foot utility easement running along the southern property line at 3584 Kirkwood Place (ADR2014-00047).

EXECUTIVE SUMMARY:

The applicant requests vacation of a 500 square foot portion of an existing five-foot utility easement at 3584 Kirkwood Place (refer to **Attachment D** for exact location) in order to construct a new garage. The easement was originally dedicated on the Asgard Subdivision plat and recorded June 1, 1967. Utilities are not present at this location and will not be needed in the future. All requisite utility companies have approved the request.

The proposed vacation was approved by staff on April 8, 2014. There is one scheduled City Council meeting on May 6, 2014 which is within the 30 day call-up period.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 500 square foot portion of the existing utility easement. The date of final staff approval of the easement vacation was April 8, 2014 (refer to **Attachment E, Notice of Disposition**). This vacation does not require approval through ordinance based on the following criteria:

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

The vacation will be effective 30 days later, on May 8, 2014, unless the approval is called up by City Council.

FISCAL IMPACTS:

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: No economic impact is anticipated.
- Environmental: No impacts are anticipated through this utility easement vacation.
- Social: None identified.

BACKGROUND:

The subject property is a 9,480 square foot lot located in a Residential – Low 1 (RL-1) zone district (refer to **Attachment A, Vicinity Map**). The property is encumbered by a ten-foot utility easement that bisects the property in an east-west direction (refer to **Attachment B, Site Plan**). The applicant would like to construct a garage in the current easement area, but is currently precluded from doing so by the existing easement. The easement unnecessarily limits the building envelope for the garage.

The portion of easement to be vacated was originally dedicated for utility purposes in 1967. There are no public or private utilities or structural encroachments located in the easement to be vacated.

Given that there is no public need for the portion of easement for which it was intended, failure to vacate the requested portion of easement would cause hardship to the property owner. It would also limit the development potential of the property.

ANALYSIS:

Staff finds the proposed vacation of a 500 square foot portion of an existing five-foot utility easement consistent with the standard set forth in subsection (b) of section 8-6-10, “*Vacation of Public Easements*”, B.R.C. 1981. Specifically, staff has determined that no public need exists for the portion of easement to be vacated because all public utilities are located in public right-of-way or other easements.

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

- ✓ 1. Change is not contrary to the public interest.
- ✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.
- ✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.
- ✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or
- N/A b. Would provide a greater public benefit than retaining the property in its present status.

PUBLIC COMMENT AND PROCESS:

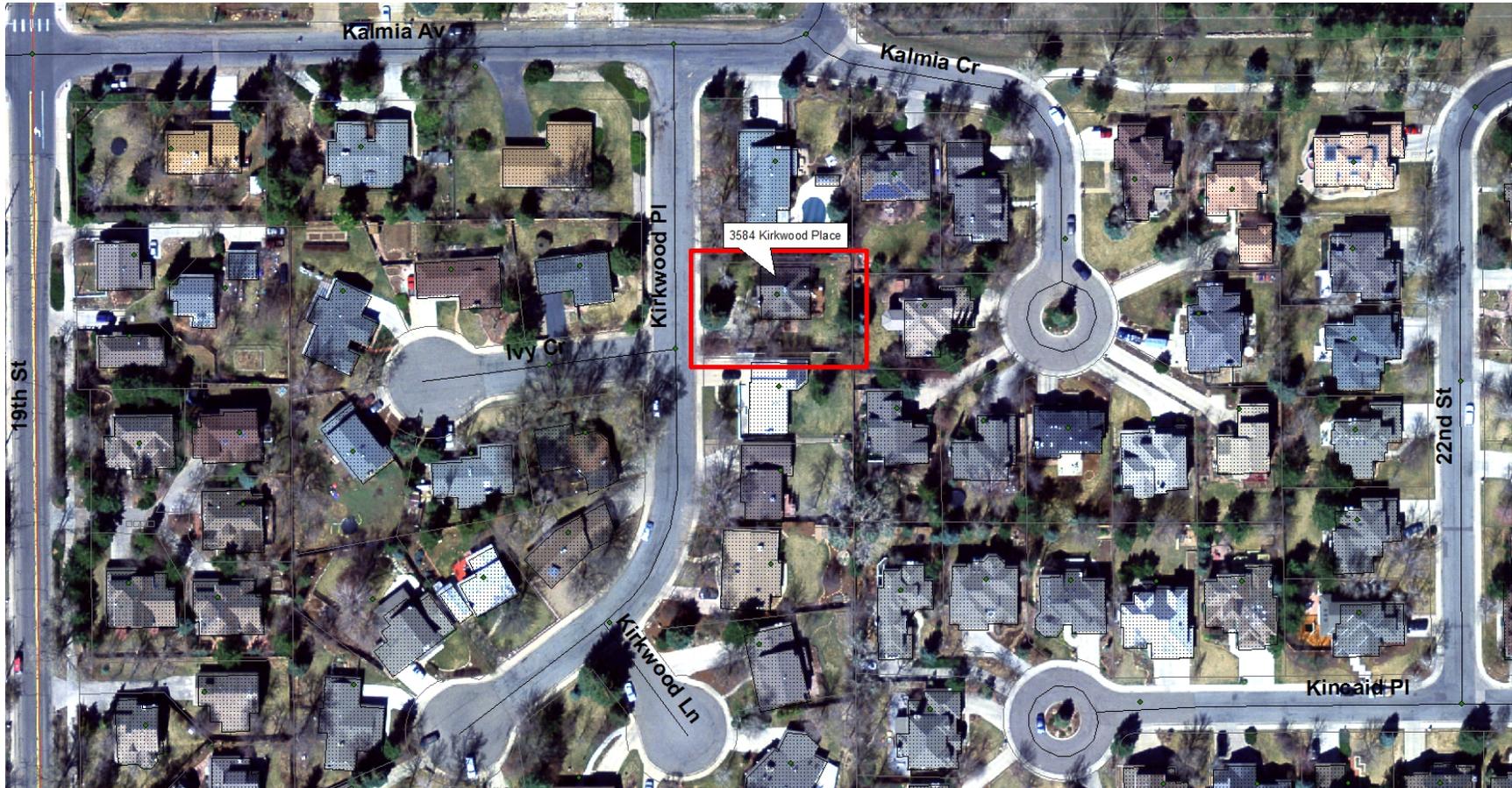
Notice of the vacation will be advertised in the Daily Camera within the 30 day call up period. Staff has received no written or verbal comments adverse to the vacation.

NEXT STEPS:

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

ATTACHMENTS:

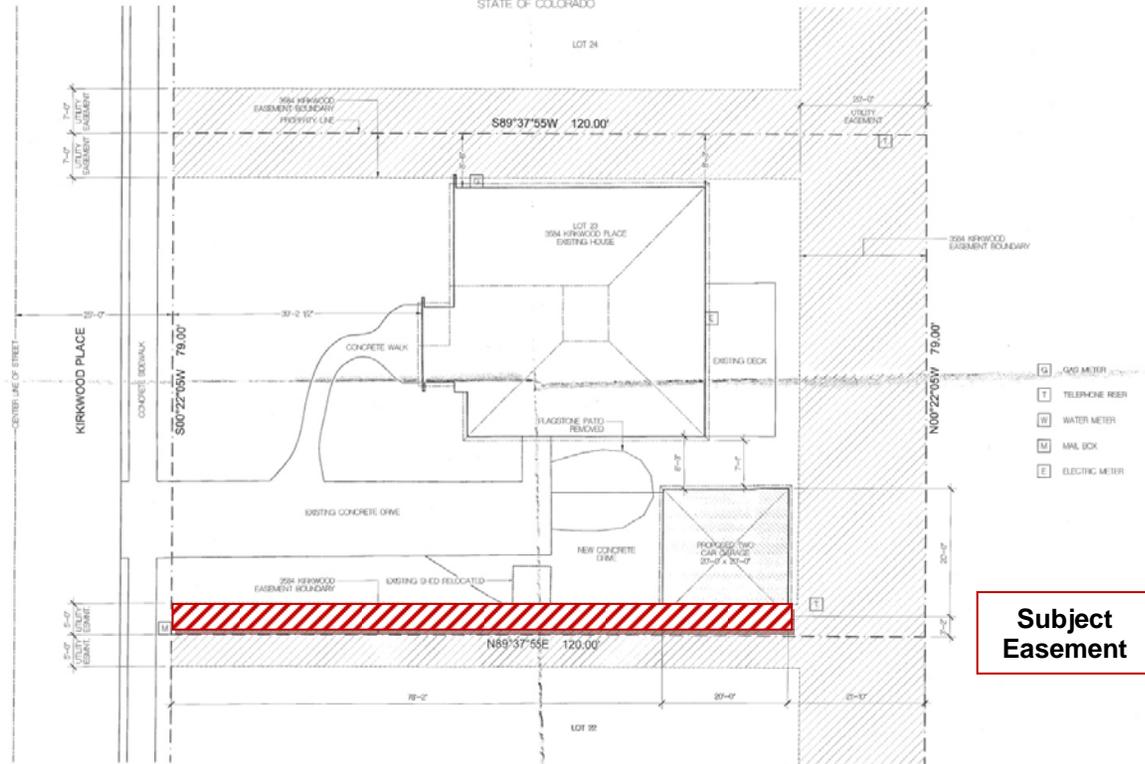
- Attachment A: Vicinity Map
- Attachment B: Site Plan
- Attachment C: Deed of Vacation
- Attachment D: Exhibit A
- Attachment E: Notice of Disposition



3584 KIRKWOOD PLACE
BOULDER, COLORADO

LOT 23
ASGARD SUBDIVISION
COUNTY OF BOULDER
STATE OF COLORADO

LOT 24



Subject Easement

1
3584 KIRKWOOD PLACE
SITE DEVELOPMENT PLAN
1" = 10'-0"



For Administrative Purposes Only
Address: 3584 Kirkwood Place
Case No.: ADR2014-00047

DEED OF VACATION

The City of Boulder, Colorado does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Section 8-6-10(b), B.R.C. 1981, the following portion of utility easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of Asgard Subdivision at Reception No. 90847996 on the 1st day of June, 1967, located at 3584 Kirkwood Place and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

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

Executed this _____ day of _____, 2014, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam,
City Manager

Attest:

City Clerk

Approved as to form:

Hella Penney
City Attorney's Office

4-16-2014
Date

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

A PORTION OF 5 FOOT WIDE UTILITY EASEMENT OVER, ACROSS AND THROUGH A PORTION OF LOT 23, ASGARD SUBDIVISION, AS RECORDED IN BOULDER COUNTY AT REC. NO. 847996, JUNE 1, 1967, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A 3 FOOT OFFSET TO THE WEST LINE OF LOT 23, SAID ASGARD SUBDIVISION, TO BEAR NORTH 00°22'05" WEST, A DISTANCE OF 79.00 FEET, BETWEEN A FOUND OFFSET CHISELED CROSS IN CONCRETE TO THE SOUTHWEST CORNER OF SAID LOT 23 AND A FOUND OFFSET CHISELED CROSS IN CONCRETE TO THE NORTHWEST CORNER OF SAID LOT 23 WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 23, THENCE EAST ALONG SAID SOUTH LINE OF SAID LOT 23 NORTH 89°37'55" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 00°22'05" WEST, A DISTANCE OF 5.00 FEET; THENCE SOUTH 89°37'55" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 23; THENCE SOUTH 00°22'05" EAST ALONG THE WEST LINE OF SAID LOT 23, 5.00 TO THE POINT OF COMMENCEMENT.

SAID EASEMENT VACATION CONTAINING 500 SQ.FT., MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS,

FSI JOB NO. 14-62,933

JOB NUMBER: 14-62,933
DRAWN BY: A. GREENBERG
DATE: 3-18-2014



Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

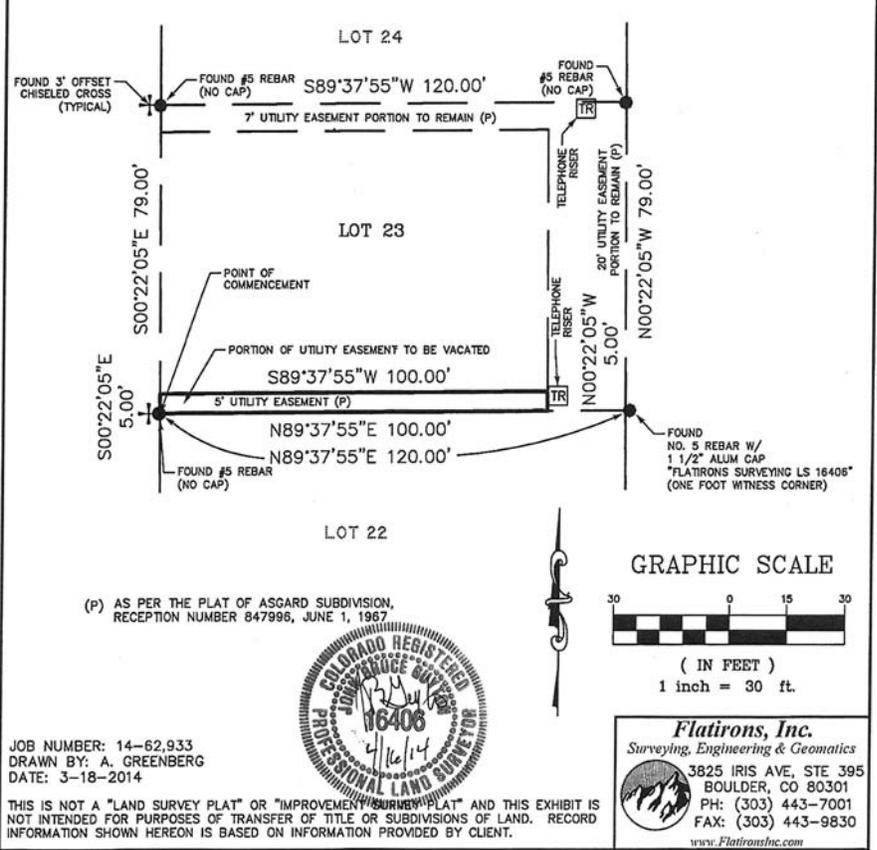
BY:FOH FILE:62933-EXHIBIT (1).DWG DATE:4/15/2014 3:33 P.M.

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAN" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



BY: POFH FILE: 92933-EXHIBIT (1).DWG DATE: 4/15/2014 5:33 PM

(P) AS PER THE PLAT OF ASGARD SUBDIVISION,
RECEPTION NUMBER 847996, JUNE 1, 1967

JOB NUMBER: 14-62,933
DRAWN BY: A. GREENBERG
DATE: 3-18-2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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CITY OF BOULDER
Community Planning and Sustainability

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

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department:

DECISION: Approved
DATE: April 8, 2014
REQUEST TYPE: Vacation/Easement
ADDRESS: 3584 Kirkwood Place
APPLICANT: Chris Doran
CASE #: ADR2014-00047
LEGAL DESCRIPTION: Lot 23, Asgard Subdivision, City of Boulder, County of Boulder, State of Colorado
DESCRIPTION: EASEMENT VACATION to vacate a 500 square foot portion of a 10-foot utility easement running along the south property line at 3584 Kirkwood Place.

FINAL DECISION STANDARDS:

Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of a 500 square-foot portion of an existing utility easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of Asgard Subdivision, which was recorded June 1, 1967 in Plan File R-2-1-49 at reception number 90847996.

INFORMATIONAL COMMENTS:

Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This decision is final and may not be appealed. A new request may be considered only as a new application.

Approved By:

Jonathan Woodward, Planning Department



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Department of Community Planning and Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Jamie Harkins, Business Sustainability Specialist II
Brett KenCairn, Senior Environmental Planner

Date: May 6, 2014

Subject: Information Item: Boulder Energy Challenge Grant Program

EXECUTIVE SUMMARY

The purpose of this agenda item is to provide an update on the Boulder Energy Challenge Grant program (BECG), formerly referred to as “Market Innovations,” structure and timeline. **Please contact Jamie Harkins at harkinsj@bouldercolorado.gov with any comments or questions by Thursday, May 8th.**

The BECG is the result of a recommendation that came forward as part of the 2012 evaluation of the first Climate Action Plan (CAP) Tax. It is designed to solicit innovative strategies from the community for reducing greenhouse gas (GHG) emissions in Boulder, in recognition that city CAP-funded programs need to be paired with private sector efforts to achieve our climate goals.

The BECG was designed with the input of both the Environmental Advisory Board and a Community Working Group and will solicit project proposals to compete for approximately \$300,000 in CAP funds in the first annual grant cycle. The objectives of the program are to:

- reduce greenhouse gas emissions in the City of Boulder;
- support the development and commercialization of cutting-edge emission reduction technologies and strategies that lead to private sector market adoption;
- stimulate the growth of a low carbon innovation sector in the City of Boulder; and
- leverage City of Boulder funds to form public-private partnerships that target private investment in future years.

For 2014 the program will primarily focus on energy efficiency and renewable energy related submissions, however other proposals will be considered if received. The program aims to fund a portfolio of five to ten projects with grants ranging from \$10,000 to \$100,000. The evaluation process will include a staff eligibility evaluation following by a merit evaluation by staff and Community Working Group members. This merit evaluation will be based on criteria that fall into two broad

categories: (1) ability of the project to meet program objectives and (2) project feasibility. Finalists after this stage will take part in a Community Showcase event in July where the public will have the ability to participate in the selection process.

Awarded projects will be required to submit on-going reports on milestones achieved and will be evaluated upon completion using an outcome-based approach in addition to actual GHG reductions achieved.

It is important to acknowledge that there is an element of risk for this program, both in the overall program performance and selected project performance. An inherent aspect of the program is that it is unlikely that all funded projects will be successful or achieve the level of GHG reductions that were anticipated. However, should the program prove to be effective at achieving its objectives there could be enormous benefits for the Boulder community and economy if the results of the first grant cycle can be leveraged to create public-private funding partnerships in the future.

FISCAL IMPACT

The Boulder Energy Challenge Grant Program is included in the city's work plan and CAP Tax budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Two of the main objectives of the Boulder Energy Challenge Grant Program are related to economic growth, both by stimulating a low carbon innovation sector in Boulder and supporting the development and commercialization of emission reduction technologies and strategies that lead to private sector adoption. It is the intention of program designers that the first annual grant cycle results will provide a solid foundation to reach out to potential private sector funding partners in future years to leverage city funds and greatly multiply the ability of the BECG to achieve these objectives.
- **Environmental:** Substantial reductions in GHG emissions are necessary to reach the community's climate goal, and innovation in the private sector is a necessary component.
- **Social:** The BECG provides a unique opportunity to allow residents across the Boulder community to participate in the funded projects. Often access to new services or technologies is limited to early adopters with substantial incomes. By funding these projects with the CAP Tax, access and ability to participate will be greatly expanded to all income levels and demographics that are interested. In addition, part of the merit evaluation of proposals will include the equity of the project, or a measure of the ability of different social and economic groups to participate.

BACKGROUND

One of the recommendations that came forward as part of the 2012 review of the city's previous five years of Climate Action Plan (CAP) programs was the development of an Open Request for Proposal (RFP) Program. The general purpose of the program is to solicit innovative strategies to reduce GHG emissions from the Boulder community, in recognition that city CAP-funded programs need to be paired with private sector efforts to achieve our community goals.

The mechanism that has been developed is a RFP process that invites innovative GHG reduction strategies from individuals, businesses or other organizations. During the initial funding cycle (mid-

2014 to mid-2015) the program will have approximately \$300,000 to fund selected proposals. In the past this program was referred to as “Market Innovations,” and has been branded as the Boulder Energy Challenge Grant Program.

Staff recommends focusing submissions on energy efficiency and clean energy related efforts in 2014. As the program matures and is shown to be successful, submittals could then be focused on other areas of community emissions such as transportation. It is also intended that the initial year of projects will serve as a springboard to grow the program in future years by leveraging city funding to attract additional private sector interest and funds.

ANALYSIS

Program development began in 2013 and continued into 2014. In order to design a program that met the stated objectives, a Community Working Group of experts was formed in early 2014 to assist staff with program development, proposal evaluation and program oversight. The group consists of the following members:

- Bob Lachenmayer, Colorado Clean Energy Cluster
- Eric Gricus, Innovation Center of the Rockies
- Jeff York, CU Leeds School of Business
- Bret Fund, CU Leeds School of Business
- Stacey Simms, McKinstry
- Ann Livingston, Colorado Green Building Guild
- Steve Morgan, City of Boulder Environmental Advisory Board
- Neal Lurie, Boulder Chamber

The working group has made recommendations to staff about programmatic details, including the objectives and scope of the program, the funding strategy, application requirements, and evaluation criteria. They will also assist with the evaluation of proposals and potentially the oversight of selected projects.

Program Objectives

- Reduce greenhouse gas emissions in the City of Boulder.
- Support the development and commercialization of cutting-edge emission reduction technologies and strategies that lead to private sector market adoption.
- Stimulate the growth of a low carbon innovation sector in the City of Boulder.
- Leverage City of Boulder funds to form public-private partnerships that target private investment in future years.
- For 2014: Promote energy efficient and renewable energy systems dissemination.

Program Scope

The BECG will be focused primarily on energy efficiency and clean energy related submissions for the 2014 grant cycle, although other submissions will be considered if received. As the program matures and is shown to be successful, submittals can then be focused on other areas of community emissions, such as transportation. This approach offers flexibility to shift funding to higher priority strategies annually.

Framing of Program

1. Program is funded by the Climate Action Plan tax and has a strategic goal of finding innovative solutions to reducing greenhouse gas emissions in Boulder.

2. The program is meant to invite and stimulate local innovation and create market driven solutions to addressing climate change.
3. In 2014 the program will focus primarily on energy efficiency and clean energy development.

Number/Amount of Grants

In order to prevent discouraging any potential projects, there is no pre-determined distribution of grants. The program will aim for awarding grants to a portfolio of five to ten projects ranging from \$10,000 to \$100,000. Depending on the proposals received, not all of the available funding may be awarded in the first cycle.

Eligibility Requirements

Types of Projects

1. Pilot projects – A limited test or trial of a technology, strategy, application, etc.
2. Concept feasibility/demonstration – An analysis or testing of the viability of a new idea.
3. New product/service development – The funding of continued development of a new product or service that has already demonstrated viability.
4. Education and behavior change – Community education and mobilization efforts aimed at significantly altering behavior that result in emissions reductions
5. Other innovative projects to significantly reduce emissions

Types of Applicants

- Any kind of entity – business, nonprofit, individual
- Does not need to be Boulder-based, but implementation must occur in Boulder
- No cost-share requirement, but if present will earn points in merit evaluation

Application Content

Interested parties will be asked to submit a simple Letter of Intent through the website so that staff and the Working Group can ensure that there is interest in the grants and that information about the program has reached the appropriate audiences. The application will require the following:

- Concept Pitch Video – must include required elements such as energy challenge to be addressed, description of project, potential of the project, identification of barriers and why the proposing project team is the right team to address this energy challenge.
- Narrative Document – must include a more in-depth description of the project, installation plan (if applicable), applicant team qualifications, an explanation of any regulatory barriers to implementing the project, a description of other funding (past or present) supporting the project (if applicable), an individual to serve as the project sponsor that will be responsible for monitoring project and reporting progress, and project benefits, including:
 - a detailed description and quantification of how much energy (electricity, natural gas or petroleum) the project will save or the amount of zero carbon energy the project will create,
 - an explanation of what co-benefits to the community (if any) the project has that are not directly quantified in the proposal, and
 - an explanation of how many people will be impacted or able to participate in the project and if there are any limitations on who can participate.
- Project Budget
- Project Work Plan

Evaluation Process

Projects will be evaluated through a four step process. Staff will conduct an initial eligibility screening on a pass/fail basis to ensure that the proposal meets the program eligibility requirements and that the application is complete. Accepted proposals will then receive a merit evaluation score from staff and the Working Group based on the evaluation criteria below. Proposals that meet a minimum threshold in the merit evaluation will be interviewed by the group and finalists will be chosen. The final part of the evaluation process will be a Community Showcase event for the finalists with an element of public participation.

Merit Evaluation Criteria

Proposals that pass the initial eligibility screening will receive a merit evaluation score based on two main criteria: (1) ability of the project to meet the program objectives, and (2) project feasibility.

- (1) Ability of meet program objectives – in assessing each project’s ability to meet the objectives, evaluators will consider:
 - a. Projected energy use reductions (electricity, natural gas or petroleum) or how much zero carbon energy the project will add to the Boulder system
 - b. Degree of innovation – addresses an existing barrier
 - c. Scalability
 - d. Impact – longevity of impact, number of people reached, equitable distribution of project benefits or ability to participate across social and economic groups
- (2) Project feasibility – in assessing each project’s feasibility, evaluators will consider:
 - a. Readiness and time to benefit – ability of a project to be completed in grant period
 - b. Team qualifications
 - c. Proposal work plan
 - d. Budget/cost-effectiveness

In additional, additional bonus merit evaluation points will be earned in three instances:

- (1) Boulder location – the proposing entity is based in the City of Boulder
- (2) Collaboration – the proposal is a result of a collaboration of partners
- (3) Cost-share – the project has funding from sources other than the Boulder Energy Challenge

Community Showcase Event

The Community Showcase will give finalists an opportunity to pitch their project to attendees and give the community an opportunity to provide input to the evaluation process. This event will provide a great opportunity to promote the program and the finalists and for the public to get engaged and excited about participating.

Final Selection

Following the Community Showcase event the Working Group will make funding recommendations to city staff. The City Manager will make a final decision on funded projects, which will be announced to the community.

Oversight and Program Evaluation

Projects will be required to identify a sponsor, whose responsibilities include project oversight and quarterly reporting to city staff, including budget status and progress on project milestones. The amount of direct coordination needed with city staff will greatly depend on the nature of the project. Proposed metrics for reporting on project progress and desired outcomes of the project will be decided with the teams and monitored throughout the project as well as after completion.

Following the completion of the first twelve month grant cycle, both the application/evaluation process and the funded projects will be evaluated prior to a second grant cycle. The Working Group will provide input on any recommended adjustments to the documents or process used to selected the funded projects. Individual project performance will also be evaluated based on GHG emission reductions achieved and on the additional desired outcomes identified with each project team. The resulting evaluation of the portfolio of projects will be reported out to City Council and the community.

In addition, since one of BECG's objectives is to stimulate a low carbon innovation sector in Boulder, metrics tracking the market adoption of funded strategies/products/services will be tracked and reported to the community over time to assess the longer-term impacts of the BECG.

Program Risks and Assumptions

There is an element of risk for this program, both in the overall program performance and selected proposals. An inherent aspect of the program is that it is unlikely that all funding projects will be successful or achieve the level of GHG reductions that were anticipated. It will be important to communicate these risks from the very beginning so that the community and is aware of all potential outcomes.

NEXT STEPS

Tentative Program Timeline

Week of May 12: Program Launch

June 20: Proposals Due

June 23 – July 18: Proposal Evaluation and Interviews by staff and Working Group

Late July: Community Showcase Event

Early August: Grants Awarded

3rd Quarter 2014: Promotion of Selected Projects



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Karen Rahn, Director, Human Services
Betty Kilsdonk, Deputy Director, Human Services

Date: May 6, 2014

Subject: Information Item: Distribution of \$11,569 gift from sister city Yamagata, Japan to benefit children impacted by the Boulder flood

EXECUTIVE SUMMARY

Boulder's sister city, Yamagata, Japan, has raised and donated \$11,569 to benefit children impacted by the September 2013 flood in Boulder. This memorandum outlines how the funds were distributed to child care providers in the City of Boulder to replace items lost in the flood necessary to continue to provide care.

FISCAL IMPACT

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

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

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

BACKGROUND

Our sister city, Yamagata, Japan, provided \$11,569 to benefit children impacted by the September 2013 flood in Boulder.

The flood adversely impacted several Boulder child care centers and in-home child care operations. Some were totally destroyed; others lost items needed to provide child care, such as toys, books, cribs, blankets and other items. Eight centers or homes incurred loss of or significant

damage to facilities; 26 incurred moderate losses (reparable damage to facilities or items needed to conduct business).

The City of Boulder’s Early Childhood Services staff contacted all licensed child care providers in Boulder to assess impacts to businesses and families served. Assistance was provided to child care centers and families to help them find alternative care or other locations to do business, where possible.

Six child care operations were selected to receive Yamagata funding. Selection was based on the number of children served and the severity of their situations, as determined from site visits conducted by the Early Childhood Council of Boulder County (ECCBC) and applications to the ECCBC Small Business Fund. About 150 children at these child care facilities benefitted from the funding.

Chart 1: Distribution of Yamagata funds

Boulder Child Care Operation	Funding	Materials and Equipment Purchased
Boulder Waldorf Kindergarten	\$ 4,375	Replacement of play yard tree house and tricycle path; toys; utensils
Homestar Child Development Center	\$ 3,320	Toys; nap mats; craft materials
Dream Makers Preschool	\$ 1,107	Replacement of outdoor play structure
Planting Love	\$ 1,107	Toys; art supplies; baby crib; costumes
Blossom Preschool	\$ 1,107	Children’s garden and cubby room repairs
Joanie’s Day Care	\$ 553	Children’s furniture and play equipment; stroller
Total	\$11,569	

Each of the child care providers had sought recovery assistance from several sources such as flood insurance, the federal Small Business Association, private foundations and the Federal Emergency Management Agency (FEMA). Yamagata funding helped bridge assistance gaps which providers were not eligible for or covered by in a timely manner. The funding had an immediate positive impact on the ability of these facilities to provide continuity of care for the children.

Five of the six providers serve low-income children through the Colorado Child Care Assistance Program (CCCAP). There were two major categories of need: 1) outside play equipment, resilient surfacing and garden replacement materials such as sand, pea gravel, and top soil which had been washed away by the flood; and 2) general classroom equipment (toys, materials, and supplies) that had been lost in the flood.

City staff worked with the child care providers to create a scrapbook documenting the need and the use of the donated funds as a thank you gift to the City of Yamagata. The book contains photos, children’s drawings, messages and stories from the children and staff of these child care centers. Mayor Appelbaum will present the scrapbook to the Yamagata delegation during their visit to Boulder on May 10.

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Human Relations Commission
DATE OF MEETING: April 21, 2014
NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Kim Pearson (303) 441-4197
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT: Commissioners– Amy Zuckerman, Shirly White, Emilia Pollauf, José Beteta Staff – Karen Rahn, Carmen Atilano, Kim Pearson Commissioners absent - Peter Osnes
WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]
AGENDA ITEM 1 - CALL TO ORDER – The Apr. 21, 2014 HRC meeting was called to order at 6:05 p.m. by A. Zuckerman .
AGENDA ITEM 2 – OATH OF OFFICE: JOSÉ BETETA
AGENDA ITEM 3 – AGENDA ADJUSTMENTS – Under Discussion/Informational items add the Outstanding Youth Volunteer Award Reception event by the Youth Opportunities Advisory Board (YOAB) as an item.
AGENDA ITEM 4 – APPROVAL OF MINUTES – A. Zuckerman moved to accept the Mar. 17, 2014 minutes. E. Pollauf seconded the motion. Motion carries 4-0.
AGENDA ITEM 5 – COMMUNITY PARTICIPATION (non-agenda action items) – Janet Heimer (Boulder Community United), Bob Norris (Boulder County Latino Coalition), Marta Moreno (El Comité de Longmont), Marjorie McIntosh (Boulder County Democrats) and Victor Galvan Ramirez (Longmont Youth for Equality) spoke in favor of the appointment of José Beteta to the Human Relations Commission.
AGENDA ITEM 6 – ACTION ITEMS A. Nomination and Election of Chairperson – S. White moved to nominate A. Zuckerman to the position of Chairperson. E. Pollauf seconded the motion. Motion carries 4-0. B. Nomination and Election of Deputy Chairperson – E. Pollauf moved to nominate S. White to the position of Chairperson. A. Zuckerman seconded the motion. Motion carries 4-0. C. 2013 Community Event Fund Reports <ol style="list-style-type: none"> 1. Bridge House – Homeless Persons’ Memorial – E. Pollauf moved to accept the report. S. White seconded the motion. Motion carries 4-0. 2. The Americas for Conservation and the Arts – Americas Latino Festival — E. Pollauf moved to accept the report. S. White seconded the motion. Motion carries 4-0. 3. Family Learning Center – Finding Pathways to Success for Youth, Parents, and Their Communities – E. Pollauf moved to accept the interim report with stipulation that B. Lyle present in fall of 2014 after the completion of the event. J. Beteta seconded the motion. Motion carries 4-0. D. 2014 Community Impact Fund Application <ol style="list-style-type: none"> 1. Boulder History Museum – The Boulder History Museum will submit a revised proposed budget to C. Atilano by the first week of May. E. Revisiting the Celebration of Immigrant Heritage RFP – S. White moved to approve the revised RFP. E. Pollauf seconded the motion. Motion carries 4-0.
AGENDA ITEM 7 – DISCUSSION/INFORMATIONAL ITEMS A. 2014 HRC Work Plan <ol style="list-style-type: none"> 1. Options for Community Connection – Commissioners and staff discussed the possibility of hosting some HRC meetings in community locations when items on the agenda pertain to a particular community. 2. Living Wage Policy Update – Commissioners and staff discussed next steps in researching living

wage policy.

B. Appreciation Gathering for Jonathan Dings – Staff will reschedule the dinner originally scheduled for April 23, 2014, at the Gondolier Italian Eatery in Boulder, in order to accommodate all participants.

C. Event Reports

1. **YOAB Outstanding Youth Volunteer Award Reception** – Commissioners received an invitation to attend this event scheduled Thursday, April 24, from 8 – 9:30 a.m. at Aji Restaurant. **E. Pollauf, J. Beteta, and A. Zuckerman** submitted their RSVPs to **C. Atilano**.
2. **Informational Workshop on Wage Theft** – **C. Atilano** and **K. Pearson** informed commissioners of the wage theft workshop scheduled to take place on Thursday, April 24, from 5:30 – 7:30 p.m. at the West Senior Center.
3. **Do You Know Who I Am?** – **E. Pollauf** spoke in favor of the Do You Know Who I Am? performance and encouraged her fellow commissioners to attend.
4. **Boulder Latino Chamber of Commerce Luncheon** – **J. Beteta** invited everyone to attend the luncheon held at the Boulder Chamber of Commerce on May 14, which will feature Congressional House Representative Jared Polis.

AGENDA ITEM 8 – Adjournment – **S. White** moved to adjourn the April 21, 2014 meeting. **E. Pollauf** seconded the motion. **Motion carries 4-0.** The meeting was adjourned at 8:04 p.m.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: The next regular meeting of the HRC will be May 19, 2014 at 6:00 p.m. in City Council Chambers, 1777 Broadway St.

**CITY OF BOULDER
LANDMARKS BOARD
March 5, 2014
1777 Broadway, West Conference Room
6 p.m.**

The following are the action minutes of the March 5, 2014 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: www.boulderplandev.net.

BOARD MEMBERS:

Mark Gerwing, Chair

Liz Payton

Kirsten Snobeck

Nick Fiore

Kate Remley

*Crystal Gray **Planning Board representative without a vote*

STAFF MEMBERS:

Debra Kalish, Senior Assistant City Attorney

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

Cindy Spence, Board Secretary

1. CALL TO ORDER

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:02 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **M. Gerwing**, seconded by **K. Snobeck**, the Landmarks Board approved (5-0) the minutes of the February 5, 2014 board meeting.

3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING

- **Statistical Report**

5. ACTION ITEMS

- A. Public hearing and consideration of a Landmark Alteration Certificate to demolish an existing accessory building and in its place construct a one-and-a-half story, 425 sq. ft., two-car garage at 730 Pine St. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00027). Owners: Douglas and Jennifer Campbell

Board members were asked to reveal any ex-parte contacts they may have had on this item.

M. Gerwing made a site visit.

N. Fiore made a site visit.

L. Payton made a site visit.

K. Snobeck made a site visit.

K. Remley made a site visit.

Staff Presentation

J. Hewat made a PowerPoint presentation to the board.

Applicant's Presentation

Jennifer Campbell, 2805 Shoshone Trail, Lafayette, spoke in support of the landmark alteration certificate application and answered questions from the board.

Will Hentschel, architect, 1805 29th St., #2054, spoke in support of the landmark alteration certificate application and answered questions from the board.

Public Hearing

Abby Daniels, Historic Boulder, 1123 Spruce Street, noted that Historic Boulder generally supported the design for the proposed garage.

Katherine Barth, Architect, 2940 20th St., spoke about her role in the 2005 survey of accessory buildings in the Mapleton Hill Historic District and noted that at the time, there was concern for the rapidly changing character of the alleys.

The board expressed concern regarding the demolition of the contributing accessory building. The applicant withdrew their application.

6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY

A. Update Memo

B. Subcommittee Update

1) Historic Preservation Plan

a. Discussion of Small Buildings

Section 1.3 of the Boulder's Historic Preservation Plan recommends the city "Explore Ways to Preserve Smaller Buildings That are Eligible for Landmark Designation".

Comments from the public:

Joyce Davis, 350 Ponca Place #462, spoke in support of saving smaller buildings and to not let personal opinion enter the Board's decisions.

Katherine Barth, Architect, 2940 20th St., spoke in support of saving smaller buildings in Boulder.

2) Demolition Ordinance next month current definition and change

3) Outreach

- 4) Potential Historic Districts and Landmarks
- 5) Design Guidelines

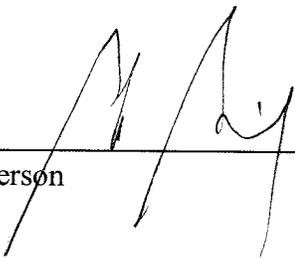
7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The meeting adjourned at 9:06 p.m.

Approved on April 2 2014

Respectfully submitted,



Chairperson

**CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES**

Name of Board/ Commission: Library Commission	
Date of Meeting: March 5, 2014 at the Carnegie Branch Library	
Contact Information Preparing Summary: Leanne Slater, 303-441-3106	
Commission Members Present: Anne Sawyer, Celeste Landry, Donna O'Brien, Anna Lull, Paul Sutter Commission Members Absent: None	
Library Staff Present: Maureen Rait, Executive Director of Public Works and Interim Director of Library & Arts Jennifer Miles, Deputy Library Director Wendy Hall, Carnegie Branch Manager Leanne Slater, Administrative Specialist II City Staff Present: Jennifer Bray, Communication Specialist III Joe Castro, Facilities & Fleet Manager Glenn Magee, Facilities Design and Construction Manager Public Present: None	
Type of Meeting: Regular	
Agenda Item 1: Call to Order and Approval of Agenda	[6:03 p.m., Audio 0:00 sec]
The meeting was called to order at 6:03 p.m. and there were no changes made to the agenda.	
Agenda Item 2: Public Participation	[6:03 p.m., Audio 0:28 sec]
None.	
Agenda Item 3: Consent Agenda	
3A.: Approval of Feb. 5, 2014 special meeting minutes (p.3-7)	[6:03 p.m., Audio 0:35 sec]
Motion to approve the Feb. 5 meeting minutes as amended, presented by Landry and seconded by O'Brien. Vote: 5-0, motion passes.	
Agenda Item 4: Thank you to Commissioner Landry	[6:04 p.m., Audio 1:18 min]
Commissioner Landry was presented with an engraved plaque in honor of her service on the Library Commission. Both Miles and Sawyer thanked Landry for her service and dedication. Sawyer presented Rait with flowers and thanked her for work as the Interim Director of Library & Arts.	

Agenda Item 5: Commission Priority Discussion and Input

5A.: Main Library Renovation Project Update (p. 8-10)

[6:10 p.m., Audio 7:10 min]

Miles presented information regarding the finishes and fabrics for the furniture package and the graphics package updates.

Commission discussion, questions and comments included:

- Will the symbolism of the graphics be recorded somewhere for future researchers? Yes; this type of documentation about the project will probably be kept at Carnegie.
- A comment was made in favor of the improved word signs. The commission was complimented for their suggestion about using frosted glass.
- Will there be signage for the Spanish collection, in order to direct people upstairs? Staff will follow up on this question.
- Will there be a grand opening for the teen area since this will be completed at the end of April? There had not been one planned for the teen space, but a grand opening is being planned for the technology lab, and of course there will be a grand opening celebration upon completion of the entire renovation project. The Library Commission recommended a celebration for the opening of the teen area as well.
- What happens to the furniture that is being replaced during the renovation? Recycling as much as possible. If not, it is disposed of by the contractor.

The commission was invited to get a closer look at the samples of the colors and finishes. For more details, please listen to the audio file (21 min.- 56 min.) posted at: <http://boulderlibrary.org/about/agenda.html#archive>

- Project Timeline- For information, please see pgs. 8-10 of the March packet at <http://www.boulderlibrary.org/about/agenda.html#archive>
- Design Advisory Group meeting summary
 - Review finishes and fabrics for furniture package- See commission discussion, comments, and questions above.
 - Review graphics package updates- See commission discussion, comments, and questions above.
- Project Budget Update: HVAC improvement-The Facilities and Asset Management division of Public Works received additional funding to complete the HVAC improvements to the Main Library.

For more information, please see p. 9 of the March packet at <http://www.boulderlibrary.org/about/agenda.html#archive>

- Public art selection timeline-
A question was asked about whether the event on March 31 with the top four candidates would be open to the public. Sawyer and Lull will follow up on this.
- Café vendor selection process- Magee said that there were no responses received for the RFP via the bid net system and that this system is not tailored for food service. He stated that the chef/owner of the Dushanbe Teahouse had offered some suggestions on improvements to the RFP which would be restructured and reissued. Miles said that she would appreciate the commission's help with getting the word out about the RFP.
- Feb. 20, 2014 project kick-off event- commission stated that this was a great event.

Agenda Item 6: Matters from the Commission

[7:27 p.m., 1:13 hr]

6A.: Ideas for supporting new director transition

[7:28 p.m., Audio 1:14 hr]

- Suggestion to invite new director to all possible events and introduce him to community members.
- Encourage him to promote the library in the community.
- Suggestion for the commissioners to meet with the new director.
- Opportunity to connect with library and arts staff in the beginning and then communicate with City Council in June.

6B. : Library Commission update (from memo)(p.11)

[7:34 p.m., Audio 1:20 hr]

The date for the Study Session with City Council and the Library and Arts Department will most likely take place on June 10; and a joint meeting between the Library and Arts commissions on May 14. The study session with the Library and Arts Department will be regarding a department overview of programs, services and projects; and to seek council's feedback on the scope and guiding principles for the Community Cultural Plan.

Commission members are typically represented and could field questions from council.

The opening of the NoBo Corner Library is happening on March 31 with a tentative grand opening on April 5. [Please note, later: The grand opening date was confirmed.]

6C: Input on meeting room use policy

Commission discussion, questions and comments included:

- Suggestion to allow the Main Library's Arapahoe Conference Room to be available for patrons when not in use by staff, with perhaps the requirement of leaving a driver's license as collateral. Staff will look into this suggestion. [This item will be discussed again at the April meeting.]
- Will the new meeting rooms be locked when not in use? This has not been worked out as of yet.
- A suggestion for there to be a certain amount of oversight with the meeting room spaces.
- Even though it may be ideal to keep meeting spaces unlocked, there are safety issues and concerns for both patrons and staff.
- What is the status of the microfilm room? This is currently being used as the contractor's office but eventually it will be another public meeting room space.

6D: Library and branch hours review

Commission discussion, questions and comments included:

- Library commissioners have heard the public's desire to have the branch libraries' hours restored to eliminate the one day per week closures.
- Suggestion to discuss this item with the new director and perhaps create an electronic patron survey which looks at all of the branch libraries' hours.
- In addition to investigating the priority of opening the libraries one hour earlier and restoring the branch library hours, a suggestion to also investigate which day of the week is the best day to close, if needed
- Regarding the 2008 patron survey:
 - a statement of disfavor was made as to how the Reynolds and Meadows branches were combined together within the same survey questions.
 - a question was raised about the wording and survey analysis as 4 out of 5 choices indicated some degree of support for restoring hours at branch libraries, but the evaluation interpreted this as not a high priority since only ~25% of respondents selected the top 2 choices.

7A: Library update from memo (p.12-18)

- Update on Feb. 11 City Council Study Session: 1. Work Plan, 2. Social Misbehaviors

A 2013 and 2014 (as of Feb. 28) summary of suspensions was given as a handout. (For more information, please go to: <http://www.boulderlibrary.org/pdfs/commission/2014/handouts/14MarHandouts.pdf>)

Commission discussion, questions and comments included:

- How are the suspensions enforced?
The person is issued a suspension form that is later emailed out to library and arts staff. There is a logbook maintained by administration in order to check to see if the person has been suspended before and, if so, if their suspension is issued for a longer period of time.
 - Is the suspended patron's library card blocked? Yes.
 - Are the same procedures followed at the branch libraries? Yes; and then the suspension notice is sent to the security officer and staff.
 - Are the library suspensions cross-referenced with the city's suspensions? Not currently, but this possibility is being explored.
- Just Added: It was proposed that the 2015 library holiday schedule be evaluated and that the library perhaps be open (or open for modified hours) on some of the current city holidays for which the library has traditionally been closed, such as Presidents Day. The South Boulder Recreation Center was named as a comparable schedule. This will be discussed during the 2015 budget cycle which will begin in the next few months.
- Update on smoking ban rule on the municipal campus- There was no discussion on this item.
- NoBo Corner Library update- O'Brien and Lull are helping plan the NoBo Corner Library Grand Opening. Magee provided an update on the status of the facility.
- Update on Library Foundation funding request: Tech Lab- The Boulder Library Foundation unanimously approved the funding for the Tech Lab request and the end of May is the target date for opening.
- Information update: Improvement to holds priority process- Miles provided an explanation of the holds process. The March packet included the following information:

“The current holds priority process depends heavily on the assigned location of the materials for each library facility. If a library does not have a copy of a requested item assigned to it, and that facility is selected as the pick-up location, the system does not fill the patron's hold until all holds are filled at the assigned facilities, designated as the pick-up location. This process is very confusing and can be frustrating for patrons, especially those who frequently use our branch libraries as their pick-up location.

In early March, eServices will upgrade the Integrated Library System which will view all Boulder Public Library (BPL) items in one pool, regardless of which location they are assigned. For example, when a hold is requested to be picked up at any BPL location (Main, Reynolds, Meadows, or NoBo) it will be filled by any available copy in the system. Once BPL's holds are filled, items will move on to fill holds at our consortium partner libraries. For example, if Boulder has 11 items and 10 holds, the 11th item will move on to Broomfield or Louisville to fill their holds.

While this improvement may not be visible to patrons, we believe it will serve them much better and more efficiently than previously, and we thought the Library Commission would be interested to learn of the change.”

Commission suggested that the collection development staff attend a Library Commission meeting.

- Other-
 - The Library Commission candidate interviews are taking place on March 11 at 7:45 p.m.
 - Landry recommended that the commission not necessarily follow tradition (i.e. commission seniority) with officer elections, but instead decide who should be an officer based on what is best for the commission.

Agenda Item 8: Future Items/Scheduling

[8:28 p.m., Audio 2:14 hrs]

- Main Library renovation project update
 - Public art finalist
- Welcoming of new library director
- Welcoming and swearing in of new commissioner
- Election of new officers
- Presentation: Teen Tech Lab
- Review of library policies (tentative)
- Boulder Library Foundation spring funding requests
- Review holiday closure schedule for 2015
- Arapahoe Conference Room availability
- Review Guidelines for Meeting Action Summaries and Minutes (tentative)

Agenda Item 9: Adjournment

[8:32 p.m., Audio 2:18 hrs]

There being no further business to come before the board at this time, the meeting was adjourned at 8:31 p.m.

Date, Time, and Location of Next Meeting:

The next Library Commission meeting will be held at 6 p.m. on Wed., April 2, 2014, in the Arapahoe Conference Room in the Boulder Public Library.

APPROVED BY:

ATTESTED:

Board Chair

Staff Secretary

Date

Date

An audio recording of the full meeting for which these minutes are a summary, is available on the Library Commission web page at <http://boulderlibrary.org/about/commission.html>

Commissioner Sawyer approved these minutes on April 22, 2014; and Leanne Slater attested to this approval on April 22, 2014.



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: April 9, 2014			
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025			
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:			
MEMBERS: Tom Isaacson, Shelley Dunbar, Frances Hartogh, Molly Davis, Kevin Bracy Knight			
STAFF: Jim Reeder Dave Kuntz Lisa Dierauf Jennelle Freeston Laurie Deiter Mike Orosel John D'Amico Alycia Knutson Ana Sutherland Lynn Reidel Alexis Nelson Leah Case Michele Gonzales Alyssa Frideres			
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL
SUMMATION:			
The newest Open Space Board of Trustees (OSBT) member, Kevin Bracy Knight, read and signed the Oath of Office.			
Shelley Dunbar moved to appoint Tom Isaacson as the chairperson for the Open Space Board of Trustees. Tom Isaacson moved to appoint Shelley Dunbar as the Vice Chair. Tom Isaacson moved to elect Mike Patton as the Board Secretary. All motions passed unanimously by acclamation.			
AGENDA ITEM 1- Approval of the Minutes			
Shelley Dunbar moved to approve the minutes from Mar. 12, 2014. Frances Hartogh seconded. This motion passed unanimously.			
AGENDA ITEM 2- Public Participation			
None.			
AGENDA ITEM 3- Director's Updates			
Laurie Deiter, Natural Resource Specialist, gave an update on the Integrated Pest Management (IPM) Oatgrass Control and Management.			
AGENDA ITEM 4- Matters from the Board			
The Board requested an agenda item at the next meeting to discuss Voice and Sight and the potential next steps for staff, as well as options for excrement removal.			

AGENDA ITEM 5 – Summary of 2013 Open Space and Mountain Parks (OSMP) Volunteer Services and Declaration to Honor Open Space and Mountain Parks Volunteers during National Volunteer Week.*

Jennelle Freeston, Volunteer Coordinator, presented to the Board recognizing National Volunteer Week. The City of Boulder OSMP Department joins communities across the country and around the world in recognizing volunteers for their efforts and contributions.

Tom Isaacson read the following proclamation:

The Open Space Board of Trustees joins the staff of the City of Boulder Open Space and Mountain Parks Department in recognizing all of our volunteers during National Volunteer Week 2014. We salute the more than 1,700 Open Space and Mountain Parks volunteers who contributed their talents and efforts in helping the department carry out its mission. These irreplaceable individuals are an inspiration as they help to protect the resources that make Boulder's Open Space and Mountain Parks so special.

AGENDA ITEM 6 – Consideration of a motion to approve the purchase of 44 acres of land, the mineral estate and 44 shares of Left Hand Water located at 7204 N. 45th St. from the Berman Brothers for \$1,375,000 for OSMP purposes.*

John D'Amico, Property Agent, gave a presentation on the Berman Brothers property is a 44-acre holding along N. 45th Street in Boulder County approximately 6 miles from central. This is a property which OSMP has actively pursued acquiring for over 15 years.

This item spurred two motions:

Shelley Dunbar moved the Open Space Board of Trustees approve a motion recommending that the Boulder City Council approve the purchase of 44 acres of land, the mineral estate and 44 shares of Left Hand Water located at 7204 N. 45th St. from the Berman Brothers for \$1,375,000 for Open Space and Mountain Parks purposes. An additional \$6,000 for immediate needs is also being requested for expenditure from the acquisition budget. Molly Davis seconded. This motion passed unanimously.

Tom Isaacson moved the Open Space Board of Trustees recommend that City Council approve the designation of Berman Brothers property as an agricultural area for management purposes. Shelley Dunbar second. This motion passed unanimously.

ADJOURNMENT: The meeting adjourned at 7:51 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

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

The next OSBT meeting will be at 1777 Broadway in the Council Chambers May 14, 2014 at 6:00 p.m.

**CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES**

Name of Board/ Commission: Transportation Advisory Board	
Date of Meeting: 13 January 2014	
Contact Information Preparing Summary: Laurel Olsen-Horen 303.441.3203	
Board Members Present: Andria Bilich, Dom Nozzi, Jessica Yates, Zane Selvans, Board Members Absent: Matt Moseley	
Staff Present: Tracy Winfree, Director of Public Works for Transportation Molly Winter, Downtown and University Hill Management Division and Parking Services Director Kathleen Bracke, GO Boulder Manager Randall Rutsch, Senior Transportation Planner Chris Hagelin, Senior Transportation Planner Marni Ratzel, Senior Transportation Planner Laurel Olsen-Horen, Board Secretary	
Type of Meeting: Advisory/ Regular	
Agenda Item 1: Call to Order	[6:00 p.m.]
The meeting was called to order at 6:00 p.m.	
Agenda Item 2: Approval of minutes from 9 December 2013	[6:00p.m.]
Motion to approve the 9 December meeting minutes as presented by: Nozzi; seconded: Bilich Vote: 4-0 Motion Passes	
Agenda Item 3: Public Participation	[6:01 p.m.]
None	
Agenda Item 4: Staff briefing and TAB input regarding the TMP Update progress, with an emphasis on the Transportation Demand Management Focus Area and measurable objectives.	[6:02 p.m.]
GO Boulder staff presented item to the board Power point given for this item.	
Executive Summary from Packet Materials: This memo provides a brief status report, check-in and opportunity for the Transportation Advisory Board (TAB) to provide input on progress to date on the Transportation Master Plan (TMP) Update, with an emphasis on the Transportation Demand Management (TDM) Focus Area and on the plan's measurable objectives. The Jan. 13, 2014 TAB meeting will include brief updates on all the TMP focus areas and feature a more in-depth discussion of the TDM and measurable objectives areas. This material and the material from the Dec. 9, 2013 memo that focused on the Complete Streets Focus Area will form the basis for an upcoming potential information memo and council study session, which is still being scheduled and may not occur until April. The draft information memo for Council will be the focus of the Feb. TMP agenda item for the TAB. Staff will provide an update to TAB that features the other TMP Update Focus Areas including Funding, Transportation Demand Management, and Regional in more detail. The goal is to provide multiple opportunities for in-depth input from TAB for all areas of the TMP Update in advance of the City Council informational memo and study session geared toward February and April 2014.	
Staff continues to move forward with the TMP Update process in 2014 in accordance with City Council and TAB guidance. Upcoming topics include the results of the modeling of the transit scenarios, regional updates, the TDM toolkit and the TMP investment program. Staff will continue to incorporate TAB comments and community input throughout the update process. In addition, staff is actively working on a number of other efforts in collaboration with city-wide planning and sustainability initiatives.	
TAB ACTION REQUESTED Review and provide input on work completed in the TMP update with emphasis on the TDM Focus Area and the existing and proposed measurable objectives for the TMP.	
Board discussion and comments included:	[6:16 p.m.]

Transit Service:

- The cost of the induced demand appears to be lower proportion of the original cost than the induced ridership was; why? Staff response: First, the busses are filled up and then new service is created.
- Creating geographic equity may hinder ridership as the point of a community-wide pass is to get the community to use the available services more.
- Did the scenarios from the TMP transit analysis include impact of a community-wide eco pass? Staff response: This is part of the sensitivity testing and results will be provided to TAB in March.
- At what point is public expenditure per new rider efficient? (i.e. spending \$100/new rider vs. spending \$200/new rider, where is the line of efficiency?) The question then becomes; what is too expensive?
- There are routes that are not frequent enough currently. If the service isn't provided, riders will not come even with the community-wide pass available. It becomes a convenience of service and that needs to be taken into account.

Transportation Demand Management:

- TDM tools are really only available during the development review period. Would the Transportation Management Organization (TMO) / Transportation Management Associations (TMAs) be useful to ensure ongoing compliance once the business is established?
- Having a car share available to run emergency or important errands for their employees to use during the day is an essential tool to increase ridership of employees.
- Ranked effectiveness tools are necessary.
- Boulder Transportation Connections (BTC) has very few staffers; however of the work described, how can three staffers complete the workload requested?
- Why did we go with one TMO instead of multiple area TMOs?
- Should the question be what do we need from our TMO(s) rather than what is BTC capable of?
- BTC is virtually unknown to the community. Having a group with the ability to do the political advocacy work would be great.
- What does the current contract look like now? BTC receives funding from the city, RTD, DRCOG, and CU grants. In the past year, the city has provided \$75,000 of funding to support the BTC program and the EcoPass merchant discount program. This year, we are looking at a \$100K contract which will include Boulder Junction and other new TDM programs/services.
- There needs to be more advocacy work done around employer/community and last mile in particular. Could other organizations (i.e. Community Cycles) take on some of the broader advocacy campaigns? Perhaps another partner alongside BTC would be appropriate.
- As BTC does not take an advocacy role, it seems like the city would want a TMO that does that kind of legwork? BTC's primary tasks thus far have included the on-the-ground business interaction and support for promoting and implementing TDM programs such as Business EcoPass, ridesharing, creating telecommuting policy, etc.

AMPS:

- The Uni Hill P3; are we integrating these isolated projects with the AMPS strategy? How will the board know which projects will fall under TAB's purview? Staff needs to look into how to manage that discussion and which boards need to be involved.
- Has city staff looked at the Walk Score Program? Staff has looked at it, however we feel we have better data, and therefore can get a better result. GIS allows for viewing various layers which cannot be seen with Walk Score.
- Traffic congestion can be a sign of a healthy city. It is working cross purposes to try to reduce traffic congestion and it makes it harder for the city to achieve road diets. Free flowing traffic disperses the urban area and results in less synergy.
- Multi-Modal Level of Service (MMLOS); why is this coming up? Are we trying to tweak this level of congestion objective and make it more serviceable to other community goals? Do we want to move people more effectively throughout the city? The traditional problem with level of service is it's entirely vehicle and vehicle delay oriented, so it assumes that fast vehicles are the priority. However, the city's goals are focused on all modes of transit.
- TAB should suggest to Planning Board to adopt a standard evaluation for neighborhood accessibility.
- Are BVSD and CU on board with VMT per capita? CU is already on board. Staff will be meeting with BVSD and are hopeful they will participate in the Boulder Valley employee survey.

General discussion:

- We need to show what works before we ask for more. (i.e. transit service, B-cycle availability, etc)
- It is possible to reduce lane mile capacity while not impacting congestion because we do have alternatives available.

- We need to make sure that the green streets go where people want them to go.

Agenda Item 5: Matters

[7:13 p.m.]

A.) Matters from the Board Included:

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

- Board members were not debriefed on the proper materials/discussion prior to the joint board meeting. A good facilitator is a necessity.
- What is going on with the BRT procurement? Staff response: RTD is preceding with the MCI buses (the current regional busses) Both the US 36 Commuting Solutions and the Mayors and Commissioners Coalition are trying to get the most attributes possible in a BRT vehicle. MCC is working on maximizing what attributes are possible with the MCI fleet.

Board member Bilich brought up the below matter(s):

- Will be meeting with her board buddies next week.
- Really enjoyed the Joint Board Workshop

Board member Bilich departed at 7:52

Board member Nozzi brought up the below matter(s):

- Overall, the Joint Board Workshop was a good experience; however there was a miss-match of expectations.
- Waiting to hear back from board buddy.
- Can TAB get a brief summary on the LID? Staff response: it's a county issue.
- Boulder Co. Monthly forum – presenting on managing traffic congestion on Friday, 24th Jan. at noon. Dom will be the keynote speaker.

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

- More direct focus at the next Joint Board meeting would be beneficial to the different boards. A facilitator is needed for the next time. The TMP offers a great opportunity to work with other boards in the future.
- Contacted her Planning Board buddy, but with the current vacancies on PB, contact will continue once there are new board members.
- Can we get a better understanding on how all of the pieces of GO Boulder and BTC work together?
- Snow plow calibration issues; the employees who were running the plows somehow failed to communicate the failure of the plows to the proper individuals who would tell them to recalibrate. People need to feel free to have open communication before it's too late.

B.) Matters from staff included:

[8:10 p.m.]

- **Flood update:** TAB received the link to the City Council memo in December. FEMA and FHWA reimbursement is continuing. The debris removal from the city's drainage ways remains a priority to clear by spring runoff season. There is a high water table which is going to be sustained for the next 18 months.
- **Regional Studies Update:**
 - Service level will be the next discussion with RTD.
 - NAMS, there are public meeting this week; Thursday night at the Rembrandt Yards at 5:30 PM. They are going to be presenting information we have already seen in terms of the phasing approach of the NW rail implementation.
- **Project Updates/Closure (i.e. progress, Council action, "after" studies):**
 - 63rd St Bridge replacement (bond project) has begun and will take 9-12 months. It will allow for continuous bike lanes and a sidewalk on the west edge. It will also include drainage improvements.
 - North side of Pearl Parkway began construction.
 - Junction Place Bridge construction has begun.
 - Depot Square has begun.
 - Spine Road – sidewalk on the east side has been constructed.
- **Other matters:**
 - Walk Bike Summit on 6 Feb. at the Millenium
 - E-Bike rules have been published.
 - Council retreat:
 - Proceed with updating the TMP
 - AMPS – want to look into achieving mode split while maintaining economic vitality. How can parking be used as a tool? Look into parking maximums rather than parking minimums. Continue to pilot the innovative projects (i.e. bike/ped innovations, increased mode share,

<ul style="list-style-type: none"> separated bike lanes, etc.) ▪ Continue to be regional leaders with funding. ▪ Pilot innovative projects to increase mode share and safety. <ul style="list-style-type: none"> ○ Suwon, Korea delegation visiting on Friday. 	
Agenda Item 7: Future Schedule Discussion:	[8:25 p.m.]
Agenda Item 8: Adjournment	[8:26 p.m.]
There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:26 p.m.	
Motion: moved to adjourn; Moseley, seconded by: Yates	
Motion passes 5:0	
Date, Time, and Location of Next Meeting:	
The next meeting will be a regular meeting on Monday, 10 February 2014 in the Council Chambers, 2 nd floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.	

APPROVED BY:



 Board Chair

4/19/14

 Date

ATTESTED:



 Board Secretary

14 April 2014

 Date

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

**CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES**

Name of Board/ Commission: Transportation Advisory Board	
Date of Meeting: 10 February 2014	
Contact Information Preparing Summary: Laurel Olsen-Horen 303.441.3203	
Board Members Present: Andria Bilich, Dom Nozzi, Matt Moseley, Zane Selvans, Jessica Yates Board Members Absent: None	
Staff Present: Tracy Winfree, Director of Public Works for Transportation Molly Winter, Downtown and University Hill Management Division and Parking Services Director Eric Guenther, Assistant Parking Manager Parking Services Kathleen Bracke, GO Boulder Manager Bill Cowern, Transportation Engineer Randall Rutsch, Senior Transportation Planner Chris Hagelin, Senior Transportation Planner Marni Ratzel, Senior Transportation Planner JR Clanton, Transportation Budget Analyst Laurel Olsen-Horen, Board Secretary	
Type of Meeting: Advisory/ Regular	
Agenda Item 1: Call to Order	[6:02 p.m.]
The meeting was called to order at 6:02 p.m.	
Agenda Item 2: Approval of minutes from 13 January 2014	[6:02p.m.]
Agenda item was tabled as the January minutes were not completed at the time of the February TAB meeting.	
Agenda Item 3: Public Participation	[6:02 p.m.]
None	
Agenda Item 4: Public hearing and TAB consideration of a recommendation to the City Manager regarding Expansion of the Mapleton Hill, East Ridge and Whittier Neighborhood Parking Permit Zones; and removal in the Fairview Zone	[6:04 p.m.]
Eric Guenther and Molly Winter presented item to the board Power point given for this item.	
Executive Summary from Packet Materials: The purpose of this memorandum is to seek a recommendation from the Transportation Advisory Board regarding expansion and one reduction of the following Neighborhood Parking Permit program (NPP) Zones to include:	
<u>Mapleton Hill NPP</u> East & West sides of the 2300 block of 7 th St. North & South sides of the 600 block of Mapleton St. North & South sides of the 700 block of Mapleton St. North & South sides of the 600 block of Highland St.	
<u>East Ridge NPP</u> North side of the 2800 block of Pennsylvania Ave.	
<u>Whittier NPP</u> East side of the 2000 block of 18 th St.	
<u>Fairview NPP</u> Staff is recommending and seeking the Transportation Advisory Board recommendation of the exclusion the 3700 block of Longwood Ave	
Public Comment:	[6:19 p.m.]
Diane Murphy: Ms. Murphy and her neighbor started the petition for the Mapleton NPP, and would like to thank	

Parking Services staff for their support. The neighbors have witnessed hazardous events during the day. The cars which are parked make it almost impossible to see around. The neighborhood has become a parking lot and thus changes the dynamic of the neighborhood.

Beth Gadart:

As soon as the neighbors on Highland received the NPP, Ms. Gadart's part of the neighborhood was drastically impacted. The parked cars along the sidewalk make it impossible to see around. The streets are already narrow, and once parked cars are added to the mix, the situation becomes dangerous. The signers of the petition are in favor of being able to park in front of their homes, not the district in general. The neighbors are merely asking to be able to park near their homes.

Mr. Collins:

Mr. Collins lives in the neighborhood in the area where staff is trying to be preemptive. The general scheme of letting people to use the space to park for three hours is a wonderful use of the space.

Board discussion and comments included:

[6:26 p.m.]

General Comments:

- Knowing why the changes were being proposed would have been helpful information to have in the packet.
- What is the rate in which these NPP blocks are being added? To be able to think more holistically, understanding the rate of expansion would be helpful.
- Staff input to the process of the overall program is important.
- Supportive of residents being able to park in front of their homes.
- What is in the city's toolbox when new NPP districts are applied for and how are the additions affecting the surrounding neighborhoods? Staff response: The city does not have anything specific. The program evolves over time. Originally it was just for residents, and then the commuter permits were added. This program is specifically designed as citizen initiated.
- Parking cash out can be effective in getting employees to use other modes of getting to work.
- NPP doesn't acknowledge the range of value for parking. Some people have a higher need for parking. A willingness to pay for parking interests some people.
- Has the city ever considered using a parking benefit district where parking meters are used (which assist with parking demand)? Staff response: No, the city has not considered that option in neighborhoods. From the neighborhood standpoint, the NPP seems to work well. In areas of high density, it may be an option. That type of infrastructure is very expensive to implement and maintain. Paid on-street parking is used in the existing commercial/mixed use districts such as Downtown, University Hill, and Boulder Junction.
- Knowing other communities that use parking meters in lower density neighborhoods would be good information to have.
- There doesn't seem to be a holistic approach to a solution. Being transparent about how this information is presented.
- It's not just about the parking space in front of one's house.
- Once removed, can the neighbors come back to the city and ask to be reinstated into the program? Staff response, there is a two year requirement of passing time prior to them being re-added.

Mapleton NPP Comments:

- BVSD; would staff at the new school on Mapleton be eligible for a permit?
- Parking is shared and unbundled so how is it available to the public? Staff response: Commuter permits are available for \$78 per quarter.
- Was the school approached or offered the idea of offering a parking cash out program to their employees? BVSD worked on their own, alongside the neighborhood in regards to parking.
- What is the long term plan with the Mapleton School? Since the school doesn't have on-site parking, and they are a part of the neighborhood alongside the residents, is NPP available to them? Staff response: They are part of an NPP neighborhood and thus can be included in an NPP request.

East Ridge NPP Comments:

- Why isn't the second block face on Pennsylvania being added? Staff response: specifically because the business would have to be included. The tradition of the program is to be neighborhood initiated, not placed upon them by the City Manager.

Motion: Moved by: Yates, Seconded by: Bilich - Motion: TAB recommend to council that they accept the staff recommendations of the Mapleton, East Ridge, and Whittier NPPs, but table the Fairview NPP pending further analysis of the detrimental effects of removing that NPP in regards to fairness of procedures

surrounding other NPPs.

Vote: 5:0

Agenda Item 5: TMP Update; including Information Packet for City Council and update regarding Access Management and Parking Strategies. [7:09 p.m.]

Randall Rutsch presented item to the board.

Power point presented for this item.

Executive Summary from Packet Materials:

While the TMP Update schedule had anticipated a study session with council at the end of February, council and staff schedules and other city priorities resulted in the study session being replaced by an update memo. Consequently, the Information Packet (IP) memo included in Attachment A is intended to provide council with information on work progress in all five TMP Focus Areas with an emphasis on the Complete Streets Focus area. The information in the IP is largely drawn from the Dec. 9, 2013 Transportation Advisory Board (TAB) agenda item on the Complete Streets transit planning and bike/pedestrian innovations, and the Jan. 13, 2014 TAB agenda item regarding Transportation Demand Management (TDM) and TMP measurable objectives. Additionally, the IP provides council with information on the developed transit scenarios currently being modeled and on the status of the bike/pedestrian living lab projects.

As council expressed interest at their 2014 retreat in seeing how the work program is being integrated under the Sustainability Framework, the IP also includes other related planning efforts with a focus on the Access Management and Parking Strategy (AMPS) project and the Climate Commitment effort. Both of these projects will inform the TMP update process and Transportation staff members are actively involved in both efforts.

To assist with updating the City Council, TAB, and the community with the status of the TMP Update, staff is developing a brief video which will be available for review at the TAB meeting and then on the city's website: www.BoulderTMP.net

Board discussion and comments included:

[7:34 p.m.]

- Is there a corresponding list of proposed policy ideas (to go along with the code policies) that would be under TAB's purview in AMPS?
- Do we know the format of the April joint board meeting yet? Staff response: we are using the feedback we have been receiving from the other joint board workshops. It will likely be more like the first with small tables.
- Kudos to staff for a very nice video.
- Parking maximums and parking pricing are essential in achieving our green house gas goals; we need to be more serious on how roads are used and looking at the different strategies presented.
- Being more rapid in implementing parking maximums in some of the more obvious locations – more compactness and transit richness areas should be possible.
- What is staff hearing from the community surrounding AMPS? Staff response: it depends on who you talk to. The Sustainability framework and figuring out the balance will come into play to figure out the best strategies. We need to be sure we are listening to the entire community.
- Appreciate the proposed frequent check-ins with the boards.
- Low stress vs. high stress for cycling in the city can be determined by the grade of the street. Staff response: slope is one of the items that is factored in.
- The board members gave their thoughts and ideas on how to move forward with the next joint board meeting(s).
- The April joint meeting should only be regarding AMPS. Staff is trying to focus on the topics that are interconnected, but will take that idea into consideration.
- To get to the level of detail desired to accomplish the task at hand, perhaps sending one or two board members from each board to four different meetings would allow for greater results.

Agenda Item 6: Matters

[7:56 p.m.]

A.) Matters from the Board Included:

Collaboration with other city boards:

2014 Board applications are due on Feb. 13th.

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

- WalkBike Summit overview – it was attended very well. It felt a little “bubble-ish” as everyone seemed to be on the same page. Surprisingly, it is challenging to get people to imagine a different world. Multiple people were weaseling policy into the 5 E’s with a focus on land use and parking policies. Predictably, there was a lot of focus on separated road infrastructure.

Board member Nozzi brought up the below matter(s):

- There was a comment from a friend about the lack of discussion on land use at the summit
- There is a new term being used; “sneekdowns” which look at the patterns of motorists during/after a snowfall and it guides you to where your road diet opportunities are.

Board member Bilich brought up the below matter(s):

- Can staff provide information on how the US 36 Bikeway connects into Boulder? Staff will follow up.

General board discussion:

- Clarification on the P3 of US 36 would be helpful. The issue seems to stem around the misunderstanding of the privatization of the project.
- Better outreach is needed.
- One of the things being lost is information on the difference between the project and the contract. The project is going forward. There is contract transparency, not project transparency. That distinction needs to be clear.

B.) Matters from staff included:

[8:17 p.m.]

- **Regional Studies Update:**
 - MPACT64 ballot item is not going to move forward in 2014, and if it doesn’t go to the voters in 2014, it will likely not go in 2015 either. A 7/10% sales tax, a gas tax, and a VMT fee were all tested. Only the sales tax polled well. No one went for the gas tax
 - NAMS: There is information about what was learned about the north metro extension. Arterial BRT focus needs to be placed on the near term. Indications show Hwy 119 being the next priority. Some members from the Mayors and Commissioners Coalition and board members from US 36 Commuting Solutions are heading to D.C. to discuss other funding sources to advance BRT.
- **Project Updates/Closure (i.e. progress, Council action, “after” studies):**
 - 63rd St: the bridge project is underway. The bridge is closed until May 2014. There are detours in place and access to all business. This was part of the capital bond passed in 2011.
 - Arapahoe Ave reconstruction continues.
 - Boulder Junction: A temporary path along Goose Creek has been installed.
 - Depot Square: The underground RTD station has begun. The Hyatt Place Hotel has foundation work in progress.
 - The 2014 Pavement Maintenance Program is starting.
 - The Annual Sidewalk Repair Program is also starting.
- **Other matters:**
 - The city has an additional sidewalk plow.

Agenda Item 7: Future Schedule Discussion:

[8:25 p.m.]

Agenda Item 8: Adjournment

[8:26 p.m.]

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:26 p.m.

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

Motion passes 5:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 10 March 2014 in the Council Chambers, 2nd floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

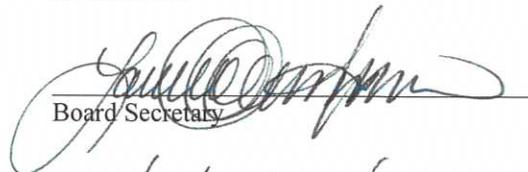
APPROVED BY:



Board Chair

4/14/14
Date

ATTESTED:



Board Secretary

14 April 2014
Date

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

**30 Years of Excellence in Gymnastics Programming
May 1, 2014**

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Boulder, Colorado; and

WHEREAS, the City of Boulder gymnastics program is important to establishing and maintaining the quality of life in our community; and

WHEREAS, 30 years ago, the Flyers gymnastics team merged with the City of Boulder gymnastics program to create a full-service gymnastics program; and

WHEREAS, the City of Boulder Parks and Recreation gymnastics program has launched more than 100,000 Boulder youth on successful life journeys, including four Olympians, medical professionals, Air Force Academy graduates, professional acrobat/stunt performers, students achieving perfect ACT scores, and many collegiate gymnasts; and

WHEREAS, the City of Boulder Parks and Recreation gymnastics program is a large employer of Boulder's youth, 60% of which are former Flyers; and

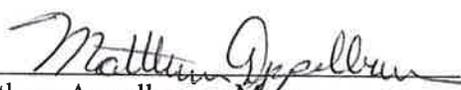
WHEREAS, the gymnastics core staff has over 125 years of instructing and coaching experience; and the program supervisor is a U.S.A. Gymnastics Master of Sport; and

WHEREAS, the gymnastics center at the North Boulder Recreation Center has become the safe haven, the "Never Never Land" for many of Boulder's youth; and

WHEREAS, the City of Boulder Parks and Recreation Department has dedicated April 23-May 1, 2014 as a celebration of 30 years of gymnastics excellence in Boulder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Boulder, Colorado, that May 1, 2014 is recognized as

30 Years of Excellence in Gymnastics Programming


Matthew Appelbaum, Mayor



REAFFIRMATION OF SISTER CITY AGREEMENT
April 22, 2014

WHEREAS, in the fifteenth anniversary year of the approval of a sister city agreement, in order to further the traditional links of friendship between Boulder and Mante and to reaffirm their mutual aspiration to work in unison for the benefit of their cities and nations, we acknowledge and reaffirm the sister city agreements between the city of Boulder and the city of Mante; and

WHEREAS, the City of Boulder and the City of Mante, on the basis of friendly cooperation, equality and mutual benefit will continue to develop a sister city relationship to:

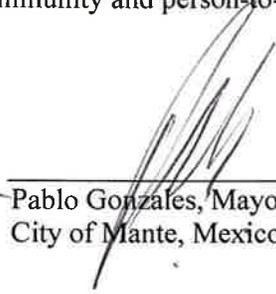
- Foster “wellness” in the greater community of Mante through support of good medical and health practices;
- Foster best educational practices in our schools through student and teacher exchanges and programs;
- Foster an exchange of arts and cultural program reflecting the heritage of our respective communities;
- Foster best practices in environmental preservation for the benefit of future generations;
- Foster and promote exchanges in such fields as science and technology, sports, health, youth and any areas that will contribute to the prosperity and the further development and understanding between the people of our two cities.

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder, Colorado, and the City of Mante, Mexico, that on the April 22 they

REAFFIRM THEIR SISTER CITY AGREEMENT

and, urge all Boulder and Mante residents to recognize the value of building bridges to the worldwide community through Sister City relationships by developing long-term community-to-community and person-to-person relationships.


Matthew Appelbaum, Mayor
City of Boulder, Colorado


Pablo Gonzales, Mayor
City of Mante, Mexico

NEPAL DAY
May 4, 2014

WHEREAS, diversity of peoples and cultures is integral to the development and advancement of a community; and

WHEREAS, local non-resident Nepali community members contribute greatly to bringing diversity of live and culture to Boulder; and

WHEREAS, Boulder welcomes more and more Nepali people each year, thereby increasing the local Nepali community and its contributions to Boulder; and

WHEREAS, Nepal and Boulder share similar topography, thereby attracting numerous climbers, hikers and bikers to visit Nepal from Boulder each year; and

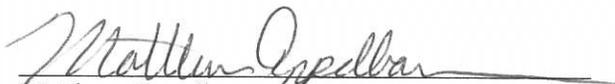
WHEREAS, the Boulder community has been very active in providing help in health and education to Nepal and her people; and

WHEREAS, Narayan Shrestha, a Boulder resident and philanthropist, has brought medical and educational help to Nepal's people since 1988; is the founder and president of Helping Hands Health Education; and has initiated a celebration, known as Nepal Day, with such holiday designed to celebrate the pride of being a Nepali in the United States of America.

NOW, THEREFORE, BE IT DECLARED by City Council of the city of Boulder, designates Sunday, May 4, 2014, as:

Nepal Day

and calls upon the people of Boulder to join the celebration on this day to strengthen our community by supporting diversity in our culture.


Matthew Appelbaum, Mayor



**HONORING THE UNIFORMED SERVICES
OF THE UNITED STATES OF
AMERICA**

WHEREAS, members of our Armed Forces are currently in harm's way; and

WHEREAS, they are faithfully executing their oath to uphold and defend the Constitution of the United States against all enemies, foreign and domestic; and

WHEREAS, they are members of an all volunteer force, dedicated to the principles and beliefs of our nation; and

WHEREAS, there are a significant number of present and past Boulder residents currently serving in the active, reserve, and Colorado National Guard forces engaged in the Afghanistan conflict and elsewhere; and

WHEREAS, they are carrying out their duties in homeland defense and security within the United States, in combat and support missions on ships at sea, in aircraft, and on foreign soil; and

WHEREAS, there is a significant number of veterans who are Boulder residents and have honorably served our Nation through periods of active conflict and the Cold War.

NOW, THEREFORE, BE IT DECLARED by City Council of the City of Boulder, Colorado, that May 19 through May 26, 2014 is

Military Appreciation Week

and urge all citizens of our community to give recognition of the past and continuing service of Boulder area residents to the Uniformed Services of the United States of America in defense of our nation and our values.


Matthew Appelbaum, Mayor



Council Working Agreements

Council Process:

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement 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, through 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 responsive 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.

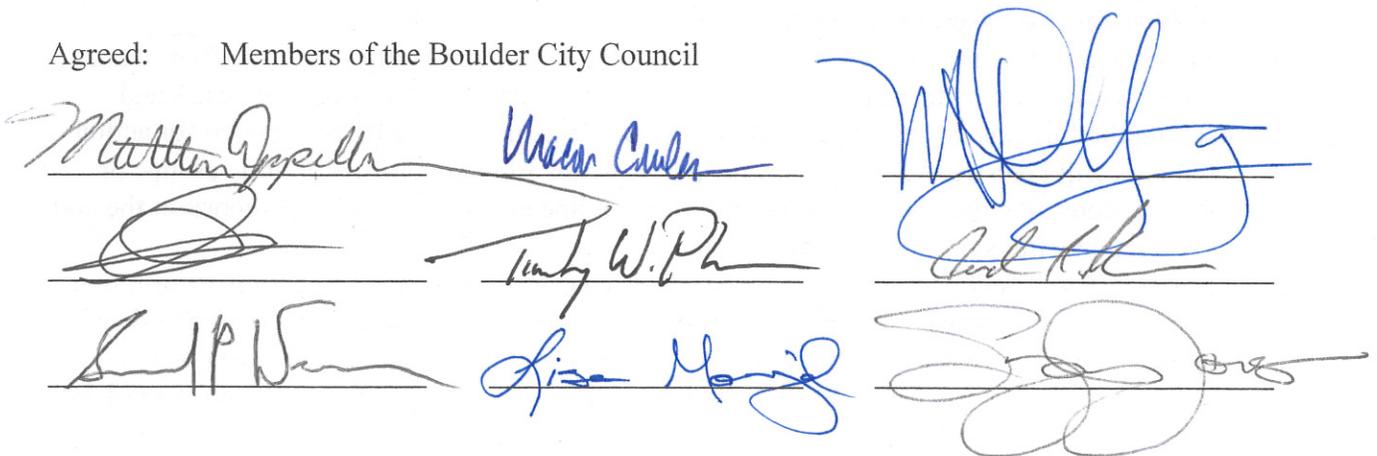
Council Committees:

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each 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.

Selection of Mayor and Mayor Pro Tem:

- Council members will make a good faith effort to the select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
 - make their interest in the positions known to their fellow members as soon as possible;
 - focus their communication with other council members on the positive attributes the member brings to the positions; and
 - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
 - the skills and attributes the member would bring to the mayoral position;
 - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
 - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
 - how the member would serve on and appoint other council members to regional and national boards and commissions; and
 - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



Handwritten signatures of council members, including names like Matthew Appella, Nancy W. Ph, and Lisa Meryl, arranged in three rows.

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Comprehensive Housing Strategy	Council	Briefing - with other related efforts, workplan	SS - objectives, recommended early action items	Briefing	Direction on policy options	Adopt strategy and action plan			
	Staff Activities	Housing choice analysis; needs assessment; best practices; trends data; workplan	Opportunity site inventory; potential tools with "bang for buck" analysis	Develop policy options and recommendations; stakeholder engagement					
North Boulder	Council	IP - update and preliminary policy choices	Briefing - options and feedback	Update and direction					
	Staff Activities	Public meeting with options	Preferred options and refined action plan	Action plan					
East Arapahoe/Sustainable Streets and Centers	Council		Briefing - issues, scope, and feedback	SS - preferred scenarios, draft plan, and action plan	Plan "Lite" - council action	Next Corridor - 30th St or Colorado			
	Staff Activities	Joint East Arapahoe workshop to "test" planning workshop	East Arapahoe scope of work, public workshop, scenario modeling, character definition	Scenario refinement and recommendations	Develop East Arapahoe action plan				
Resilience	Council		Briefing - scope agenda		SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities	Agenda setting workshop 4/28	Hire Asst. City Manager, begin strategy development	Scope strategy components	Scoping	Resilience work	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Boulder Valley Comprehensive Plan	Council				SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities				Scoping analysis and partner outreach	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Other	Council	Annexation Strategy - Direction (options and feedback)	Usable open space - Code Change	Economic Sustainability Strategy implementation - Code Change					
		Density/ROW Dedication Calculations - Code Change	Parking generation and reduction - Code Change						
		County Assessor valuations for landscape and lighting upgrades - Code Change	Renewable energy sources - Code Change						
	Staff Activities	Annexation Strategy - analyze costs and options	Planning Board for above code changes	Planning Board for above code changes					
Planning Board for above code changes									

HOUSING/LAND USE/PLANNING

		2014				2015				
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
TRANSPORTATION	Transportation Master Plan	Council	IP (includes scope for AMPs)	SS (includes AMPS)	Acceptance - establish work program and coordination	Continue implementing pilots	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP
		Staff Activities	Scenario and sensitivity analysis	Joint board workshop, TAB	Develop final update for board recommendation and council acceptance	Implement and coordination with BVCP and Resilience				
	Community EcoPass	Council	Feasibility Study - joint release with County	Rolls into TMP update						
		Staff Activities								
	Regional Transportation	Council	Briefing	Briefing		Briefing		Briefing		Briefing
		Staff Activities								
	Electric Vehicle Parking Ordinance/Energy Services	Council	Council agenda	SS			IP	IP	IP	IP
		Staff Activities								
	Access Management and Parking Strategies	Council	Scope	SS - Guiding principles, work program and process (includes TMP update)	Round 1 Code Changes - Auto and parking planning, zoning regs, EV charging stations	Update - Work plan and policy issues	Long Term Round 2 - Parking code changes and other policy issues	Council endorsement of ongoing work plan		
		Staff Activities	Finalize work program	Short term parking code regulation changes	Long term parking code changes	Long term parking code changes	Additional workplan items and public process tbd	Finalize document		
			TDM tool kit development for TMP integration	Long term parking code regulation changes	Additional workplan items tbd	Additional workplan items and public process tbd				
			Short term parking code ordinance changes	Public outreach and joint board meeting						
			Research/best practices	Additional workplan items tbd						
			Develop communications strategy							

ADD'L HOUS/PLAN/TRANS	Comp. Financial Strategy/Capital Bond	Council	Direction	SS	SS - finalize ballot?	Ballot?			
		Staff							
	Cap. Bond 1 Implement.	Staff		Construction			85% complete		100% Complete
	Flood Recovery	Staff		Repairs and FEMA Reimbursement	FHWA/FEMA work	FHWA/FEMA work	Building Better Boulder		Building Better Boulder
	Boulder Junction Phase 1 Implementation	Staff			South side of Pearl opens	Ongoing redevelopment coordination		Goose Creek Bridge opens	Depot Square opens
	Boulder Junction Phase 2 - City owned site	Staff		Coordination	Coordination		Coordination		
	Yards mobilized to move for Pollard option	Staff		Grading, prairie dogs, moving	Final prep			Yards moves continue	
	Safe Routes to School	Staff			Public process to prioritize projects		Application		
Implement Transpo.Tax	Staff		Expand maintenance, hire						

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Homelessness/Human Services	Council Items	Shelter/ Funding: Update on position and relationship with Boulder Shelter; Shelter funding and issues update and other funders.	SS - Human Services Strategy Update and Homeless Action Plan (including funding priorities and partnerships)	IP - Homelessness Issues	SS - Human Services Strategy Update and Homeless Action Plan (including funding and service priorities)				
				Regional Planning update/services and housing					
				2014 Point in Time Report					
				SS - Services and Regional coordination update	IP - Services and Regional coordination	IP - Services and Regional	SS - Services and Regional coordination	SS - Services and Regional	IP - Services and Regional
	Staff Activities	Facilitate monthly Boulder Homeless Planning Group re:	HS Strategy Update and Homeless Action Plan Update	HS Strategy Update and Homeless Action Plan -					
		Convene regional meeting with Denver/Boulder/MDHI							
County Ten Year Plan meeting with focus on meeting housing		County Ten Year Plan meeting with focus on meeting housing							
Neighborhood/Park Events and Other Events	Council Items	GOCO grant application		GOCO grant acceptance					
					SS - Special Events with Street Closures and Block Party Permitting				
	Staff Activities	Review current PR permits and developm pilot program	Conduct pilot neighborhood event (link with Hill and GOCO school yard grant)	Conduct pilot neighborhood event	Review neighborhood park planning and event pilot success and plan schedule for 2015	Finalize nneighborhood event schedule for 2015	Conduct neighborhood events	Conduct neighborhood events	Review pilot program and propose permit changes required to make improvements
		Link with park planning outreach	Summer recreation programs - arts, music, health, wellness	Continue summer art series and volunteer events					
		GOCO school yard grant	Submit GOCO grant	GOCO grant award - start civic area community park					
			Review and analysis of existing special event permitting	Develop recommendations					
Arts	Council Items		SS - Library & Arts, including Community Cultural Plan			Adoption of Community Cultural Plan			
	Staff Activities		Work with new director						

LIVABILITY

2014

2015

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Code Enforcement	Council Items	SS	SS (includes Social Issues Strategy information)						
	Staff Activities								
University Hill	Council Items	IP - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership					
		Bears/Trash							
	Staff Activities		SS - Hill Reinvestment Strategy	Update - Hill Reinvestment Strategy					
		14th St - Hill Alt. Mode survey	14th St - Finalize analysis and develop recommendation to proceed with the Global Agreement						
		14th St - Finalize LOI							
		14th St - Financial Analysis							
		14th St - Additional access analysis							
		14th St - Board outreach							
		Pilot Parklet Competition	Parklet Implementation						
		Outreach to CU and stakeholders for support of Reinvestment Strategy	Fox Theatre mural by CU students	start pilot RSD program (to run through 2016)					
Recommendation for staffing Strategy implementation and prelim. analysis of future org structure options	Hire a fixed term Hill Coordinator								
Civic Area	Council Items					SS - Park Program and Improvements			
	Staff Activities	Civic Activity Team established	Coordinate music in park series		Review summer series success and revise for 2015	Prepare first phase of park improvements for 2015	Conduct adult fitness and health classes	Conduct visitor event at civic area around art installations	
		Hire Civic Area staff for P&R	Add seasonal park staff for outdoor education and orientation		Expand Ready to Work crew	Revise summer programs and plan for 2015	Install temporary adult fitness playground	Coordinate horticulture gardens with Farmers' Market event	
		Prepare GOCO grant for nature play and park planning	Conduct volunteer event around upgrades to Peace Garden and edible plant exhibit		Complete park planning outreach	Conduct art competition for summer installation	Install south side nature play area		
		Work with Park Foundation to develop plan for art and entertainment	Coordinate with CU for partnership with GUB and Civic Area park plan		Develop 1% for Arts demonstration project in partnership with foundations and non-profits		Expand seasonal staffing and horticulture/edible garden displays		

LIVABILITY

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
LOCAL FOOD	Civic Area	Council Items	IP - update on implementation		SS - catalyst projects				
		Staff Activities							
	Ag Plan	Council Items	IP				Acceptance		
		Staff Activities							
	Other or not categorized	Council Items							
		Staff Activities	CU/BVSD partnership for neighborhood garden	Form cross-dept team	Develop work plan to achieve council vision				
Burk Park/Horizon School playground			Housing links with YSI programs and local gardening pilot						
	Staff Activities	Design guidelines for edible landscape in local parks							

CLIMATE AND ENERGY	Zero Waste Master Plan	Council Items	IP	SS - options and feedback		Acceptance and action plan		Implementation - commercial focus		
		Staff Activities	Stakeholder input on options and rulemaking on curbside compost		Public feedback on strategies	Draft plan and action plan for public review		Implementation - program enhancements and ordinance development		
	Municipalization	Council Items		SS - workplan	Briefing - energy services	Briefing - energy services	Update - energy services	Update - energy services	Update - energy services	Update - energy services
				SS - energy services						
	Staff Activities		Xcel/city task force; refine recommendations							
		Climate Commitment	Council Items		Briefing - framework, preliminary goals/targets, strategy development	SS - goals/targets, feedback on strategy scenarios, draft document	Approval			
	Staff Activities		Working groups meet	Scenario development; GHG inventory complete	Strategy formulation; city organization initiative launched		Launch action plan			
	Valmont Butte	Council Items			SS					
		Staff Activities								

		2014				2015			
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
OPEN SPACE	Charter Issues	Council Items			Address disposition process and use of Realization Point for pro bike race				
		Staff Activities							
	Highway 93 Underpass	Council Items							
		Staff Activities			In process				
	Eldo to Walker Ranch	Council Items							
		Staff Activities	City/County review of contractor proposals for potential mountain bike connection	Routes - weather dependent					
	IBM Connector	Council Items							
		Staff Activities		City/County requirement complete and await railroad to replace bridge					
	Trailhead as part of transportation system	Council Items							
		Staff Activities			status update				
	Other or not categorized	Council Items							
		Staff Activities			additional signage				

Project	Council or Staff?	2014				2015					
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter		
OTHER	Emerald Ash Borer (EAB)	Council	IP Develop preliminary management plan	Implement pilot plan	Monitoring	Evaluate long term forest management plan and EAB strategy	Management plan and response	Response	EAB	EAB	
	Civic Use Pad	Council	SS - Public/private partnership	Approval of MOU with St. Julien Partners	Update on negotiations with St. Julien Partners						
	Human Services Strategy	Council		SS		SS		Public hearing			
	Various	Council	IGA with CDOT/County for US 36 bikeway maintenance	Pilot dog waste composting project - Valmont and OSMP possible site	Transportation code changes for AMPS	Smoking ban - public hearing					
			IGA for bikeway maintenance/ US 36 enhancements	CEAP call up for Baseline Underpass east of Broadway	Comprehensive Annual Financial Report						
			Old Pearl Street ROW vacation	DRCOG TIP Priorities for city applications	Appointment of independent auditor						
Transportation code changes - bike parking, TDM, etc.			Mobile food vehicles - ordinance change to expand podding in downtown	Update on investment policies - action							
NPP - zone expansions and removal				Modification of construction use tax filing - IP then action							
				Pearl Street Mall regulations - code changes							

COUNCIL MEMBERS

Matthew Appelbaum	Mayor
George Karakehian	Mayor Pro Tem
Macon Cowles	Council Member
Suzanne Jones	Council Member
Lisa Morzel	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director of Community Planning and Sustainability and Acting Director of Housing
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Energy Strategy and Electric Utility Development Executive Director
Larry Donner	Fire Chief
Joyce Lira	Human Resources Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
David Farnan	Library and Arts Director
Lynne C. Reynolds	Municipal Court Administrator
Michael Patton	Open Space and Mountain Parks Director
Jeff Dillon	Acting Parks and Recreation Director
Greg Testa	Acting Police Chief
Maureen Rait	Public Works - Executive Director
Tracy Winfree	Transportation Director
Jeff Arthur	Utilities Director

2013 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Morzel, Young
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 st alternate), Castillo (2 nd alternate)
University of Colorado (CU) / City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Karakehian

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Shoemaker, Weaver, Young

INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 th and Canyon	Karakehian, Morzel, Young
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Legislative Committee	Jones, Karakehian, Weaver, Young
School Issues Committee	Morzel, Plass, Shoemaker

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian
Sister City Sub-Committee	Morzel, Cowles, Karakehian