

**BOULDER CITY COUNCIL MEETING
COUNCIL CHAMBERS, 1777 Broadway
Tuesday, June 3, 2014
6 p.m.**

AGENDA

1. CALL TO ORDER AND ROLL CALL

A. Science Tuesday Presentation: Professor Molnar, recipient of the Crafoord Prize, “The Rockies: How and when they formed and why they are not like other mountain ranges”

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 May 6, 2014

B. Consideration of a motion to accept the April 22, 2014 study session summary on the budget and financial update, and potential ballot issues

C. Consideration of a motion to accept the April 22, 2014 study session summary on a University Hill Reinvestment Strategy

D. Consideration of a motion to accept the summary of the April 29, 2014 study session on Boulder’s Energy Future

E. Third 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, setting forth reporting periods and setting forth related details

F. Third reading and consideration of a motion to adopt Ordinance No. 7970 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

G. Second reading and consideration of a motion to adopt Ordinance No. 7977 vacating and authorizing the City Manager to execute two deeds of vacation to vacate an emergency access easement and a sidewalk easement in association with an approved site

review for the Landmark Lofts Phase II multi-family residential development located at **970 28th St.**

Applicant: Kris Gardner, Drexel, Barrell & Co.
Property Owner: 970 28th Street – Phase II, LLC

- H. Introduction, **first reading** and consideration of a motion to order published by title only, an **ordinance designating** the building and property at **2104 Bluff St.**, to be known as **the Kelso House**, as an individual landmark under the city’s Historic Preservation Ordinance

Owner/Applicant: Chad and Kristen Watson

- I. **Second reading** and consideration of a motion to adopt **Ordinance No. 7972 approving supplemental appropriations** to the 2014 Budget

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District (CAGID) Board of Directors

- J. Consideration of a **resolution amending the 2014 Downtown Commercial District Fund** (formerly CAGID Fund) **Budget**

Consideration of a motion to adjourn from the Central Area General Improvement District (CAGID) Board of Directors and convene as the University Hill General Improvement District (UHGID) Board of Directors

- K. Consideration of a **resolution amending the 2014 University Hill Commercial District Fund** (formerly UHGID) **Budget**

Consideration of a motion to adjourn from the University Hill General Improvement District (UHGID) and convene as the Boulder Municipal Property Authority

- L. Consideration of a motion to adopt a **resolution amending the 2014 Budget for the Boulder Municipal Property Authority**

Consideration of a motion to adjourn from the Boulder Municipal Property Authority Board of Directors and reconvene as Boulder City Council

- M. Consideration of a **motion to authorize the city manager to issue a request for proposals to award the remainder of the city’s education excise tax revenue**

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. **Second reading** and consideration of a motion to adopt **Ordinance No. 7973 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

- B. **Second reading** and consideration of a motion to adopt **Ordinance No. 7978 to modify the allowable number of units and floor area of the BT-2, Transitional Business zoning district for Trinity Commons project, located at 2200 Broadway.** The project is proposed as a mixed-use development on an existing surface parking lot with a new fellowship hall for Trinity Lutheran Church; office space for the Trinity Lutheran Church and other non-profit organizations; 24 (100 percent) permanently affordable attached senior housing units; and partially below grade parking to be shared with other off-site users

6. MATTERS FROM THE CITY MANAGER

- A. **City Office Space Update**

7. MATTERS FROM THE CITY ATTORNEY

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

- A. **Potential Call-Ups**

None

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

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

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

12. ADJOURNMENT

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CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
May 6, 2014

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

Mayor Appelbaum called the regular May 6, 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, Shoemaker, Weaver and Young. Council Member Plass was absent.

Mayor Appelbaum moved, seconded by Council Member Morzel to amend the agenda by the addition of item 1E and 6A, both relating to Public Arts. The motion carried 7:0, with Council Members Plass and Shoemaker absent. Vote taken at 6:04 PM.

A. DECLARATION: NATIONAL KIDS TO PARKS DAY, MAY 17, 2014

Mayor Appelbaum read the declaration for National Kids to Parks Day.

B. PARKS AND RECREATION CELEBRATES 30 YEARS OF EXCELLENCE IN GYMNASTICS PROGRAMMING

Mayor Appelbaum recognized staff that helped make the gymnastics program in Boulder successful over the last thirty years.

C. RECOGNITION OF FAIRVIEW HIGH SCHOOL SCIENCE BOWL TEAM

Mayor Appelbaum recognized the Fairview High School Science Bowl Team that placed first in the state of Colorado and in the top ten nationally.

D. BRIEFING ON FLOOD RECOVERY STATUS

City Manager Jane Brautigam and Executive Director of Public Works Maureen Rait provided a status update and overview of the key objectives for ongoing recovery from the September, 2013 flood event.

Planner Chris Meschuk and Director of Public Works for Utilities Jeff Arthur were available to answer questions.

E. DISCUSSION OF PUBLIC ART SELECTION PROCESS

City Manager Jane Brautigam gave a brief overview of the selection process for the Yes! art project proposed at the main library branch. She also made a recommendation that Council support her decision to not sign the contract for the project and allow time for the council and Arts Commission to improve the public process around the selection of public art in Boulder.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:48 PM

1. Noah Westby – Spoke as a bookstore and café owner impacted by construction on Pearl Street between 9th and 11th; he was specifically concerned about the noise.
2. Anna Salim – Spoke as a proponent of the Yes! art project that had been proposed at the main library branch. She expressed frustration about the misinformation regarding funding that had been included in comments made in the newspaper and other public forums.
3. Leslie Glustrom – Gave Council an update regarding Xcel Energy’s residential, commercial and industrial rates.
4. Sara-Jane Cohen – Spoke out of concern for the homeless; she offered solutions for Council to consider that were also outlined in a letter.
5. Tim Petty – Spoke in opposition to FEMA funds being used to repair Flatiron’s Golf Course.
6. Mary Kirk – Spoke in opposition to the occupancy limits in place and supported the idea of co-op housing as a solution.
7. Ged Thompson – Spoke in opposition to the occupancy limits in place and supported community-based housing, specifically for the elderly.
8. Steve Keenan – Spoke about solutions that the city of Telluride was exploring in relation to bear resistant trash containers.
9. John Russell – Spoke about the importance of pedestrians being put first before vehicle transportation.
10. Ana Maria Hernando – Spoke as a local artist and proponent of the Yes! art project that had been proposed at the library’s main branch.
11. Leigh Collings – Spoke as a proponent of co-op housing and in opposition to the occupancy limits that were in place. She spoke to the importance of meeting the diverse needs of Boulder’s citizens.
12. Ellen Knapp – Spoke about the importance of affordable housing options for the elderly.
13. Neshama Abraham – Spoke about the importance of updating co-op housing regulations in Boulder.

14. Mark Gelband – Spoke about the importance of public art and the conversations that controversial art can create. He also spoke in favor of updating occupancy limits and encouraged Council to consider all options associated with affordable housing.
15. Todd Stork – Spoke about successful models for cooperative housing and in favor of updating the occupancy limits in Boulder.
16. Jesse Kadel – Spoke about a personal experience involving a physical altercation that ended in his arrest for a charge involving fighting words.
17. Alana Wilson – Spoke as an advocate for co-op housing and a citizen living in an illegal housing co-op in Boulder. She spoke in favor of changing the occupancy limits that were in place.
18. Darren O’Connor – Spoke in opposition to changes in panhandling regulations in Boulder.

3. CONSENT AGENDA – 7:31 PM

A. CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM MARCH 18, 2014

As amended by the Council Agenda Committee on May 5, 2014.

B. CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM APRIL 1, 2014

As amended by the Council Agenda Committee on May 5, 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

Council Member Morzel moved, seconded by Council Member Young to approve Consent Agenda items 3A through 3H with items A and B amended by the Council Agenda Committee on May 5, 2014. The motion carried 8:0, with Council Member Plass absent. Vote taken at 7:34 PM.

4. POTENTIAL CALL- UP CHECK IN – 7:35 PM

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

ORDER OF BUSINESS

5. PUBLIC HEARINGS – 7:35 PM

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

City Attorney Tom Carr presented on this item and reviewed changes that had been made as directed by Council on April 16, 2014.

No public hearing was held; the public hearing on this item was closed on April 16, 2014.

Council Member Weaver moved, seconded by Council Member Shoemaker, to approve as amended 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. The motion carried 8:0, with Council Member Plass absent. Vote taken at 7:47 PM.

Mayor Appelbaum noted that the ordinance would have a third reading on the Consent Agenda for final adoption.

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

Deputy City Attorney David Gehr presented on this item.

Council Member Weaver disclosed that in 2010 a company he had an interest in, had a transaction with Xcel Energy but that he had no further dealings with the company afterward.

The public hearing was opened at 7:55 PM:

1. Dan Williams – Spoke as a representative from Public Service Company of Colorado opposed to the proposed ordinance.
2. Angelique Espinoza – Spoke as a representative from the Boulder Chamber in favor of the proposed ordinance.
3. Karey Christ-Janer – Spoke as an advocate for renewable energy supporting the municipalization effort.
4. John Russell – Spoke in support of municipalization and in favor of the proposed ordinance.
5. Mark Gelband – Spoke about the acquisition costs associated with municipalization, he expressed concerns about costs and reliability. He spoke in favor of municipalization in general.
6. Leslie Glustrom – Spoke about the continued community support for municipalization that was reaffirmed in the last election and in support of the proposed ordinance.
7. Chris Hoffman – Spoke in support of the proposed ordinance and spoke about continued misinformation that was being spread in the community.

There being no further speakers, the public hearing was closed.

Council Member Cowles moved, seconded by Council Member Morzel, 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.

Council Members Cowles and Morzel reviewed the historical voting in Boulder that had approved steps in the municipalization process several times. Both expressed enthusiasm for the proposed ordinance as a logical next step.

Council Member Karakehian expressed support for the motion and noted that if Xcel Energy had any intent to partner with the city of Boulder, the company should bring the plan forward sooner rather than later.

Council Member Weaver agreed with Council Member Karakehian's comments.

The motion carried 8:0, with Council Member Plass absent. Vote taken at 8:35 PM.

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

City Attorney Tom Carr presented on this item.

Assistant City Attorney Janet Michels was available to answer questions.

The public hearing was opened at 8:44 PM.

1. Tim Petty – Spoke in support of the proposed ordinance and the rights of the homeless that rely on panhandling.
2. Camille Lafont – Spoke in support of the proposed ordinance and offered slightly different language that she thought would be more effective.
3. Gordon Gamm – Spoke in opposition to the proposed ordinance, accusing it of continuing to be unconstitutionally vague.

There being no further speakers, the public hearing was closed.

City Attorney Tom Carr responded to comments made in the public hearing that suggested alternative language and expressed concerns that those recommendations would make the charge more difficult to prosecute.

Council Member Cowles moved, seconded by Council Member Shoemaker, to adopt Ordinance No.7974 by emergency 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. The motion carried 8:0, with Council Member Plass absent. Vote taken at 9:02 PM.

6. MATTERS FROM THE CITY MANAGER – 9:03 PM

A. CONSIDERATION OF A MOTION TO RECOGNIZE THE HARD WORK OF THE SELECTION COMMITTEE AND ARTS COMMISSION IN DEVELOPING PUBLIC ART FOR THE MAIN PUBLIC LIBRARY, TO HONOR THE WISHES OF THOSE IN THE COMMUNITY WHO SEEK

FURTHER INPUT INTO THE DECISION-MAKING PROCESS AND TO SUPPORT THE CITY MANAGER’S DECISION TO DEFER AWARDING A CONTRACT FOR PUBLIC ART AT THE MAIN PUBLIC LIBRARY WHILE DEVELOPING A MORE INCLUSIVE AND DIVERSE PROCESS FOR FUTURE PUBLIC ART DECISIONS

City Manager Jane Brautigam presented on this item under Item 1E at the beginning of the meeting.

Council Member Young moved, seconded by Council Member Weaver, to recognize the hard work of the public art selection committee and Arts Commission in developing public art for the main public library, to honor the wishes of those in the community who seek further input into the decision-making process and to support the city manager’s decision to defer awarding a contract for public art at the main public library while developing a more inclusive and diverse process for future public art decisions.

B. UPDATE ON DONATED FLOOD RELIEF FUNDS FROM SISTER CITY OF YAMAGATA, JAPAN

Director of Human Services Karen Rahn presented on this item and brought with her a scrapbook that children and daycares in the community had put together thanking the city of Yamagata for the generous donation of flood relief funds. She explained that the book would be presented to the mayor of Yamagata, Japan at the welcome ceremony receiving the upcoming delegation.

7. MATTERS FROM THE CITY ATTORNEY – 9:15 PM

None

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL – 9:15 PM

A. POTENTIAL CALL-UPS

1. VACATION OF A 500 SQUARE FOOT PORTION OF A FIVE-FOOT UTILITY EASEMENT RUNNING ALONG THE SOUTH PROPERTY LINE AT 3584 KIRKWOOD PLACE (ADR2014-00047)

No interest was expressed in calling-up this item.

B. BOARD AND COMMISSION APPOINTMENTS

Boulder Junction Access District – Travel Demand Management and Parking Commission

Nominations were opened:

Council Member Jones nominated Susan Osborne.

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

Boulder Urban Renewal Authority

This board is a mayoral appointment.

Mayor Appelbaum appointed Eric Hutchens to a five-year term and directed staff to reopen the vacancy for a three-year term.

Landmark's Board

Nominations were opened:

Council Member Morzel nominated Michael Schreiner.

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

University Hill Commercial Area Management Commission

Nominations were opened:

Council Member Jones nominated Dakota Soifer.

Council Member Weaver nominated Amanda Rubino.

Council Member Young nominated Cheryl Liguori.

Council discussed which nominees would be appointed to each of the vacancies.

There being no further nominations, Dakota Soifer was appointed to a five-year term, Amanda Rubino was appointed to an unexpired term ending March 31, 2018, and Cheryl Liguori was appointed to an unexpired term ending March 31, 2017 by acclamation.

Mayor Appelbaum moved, seconded by Council Member Weaver, to ratify the Board and Commission appointments and to reopen recruitment for BURA for the three-year term.

C. SISTER CITY UPDATE

Council Member Morzel presented on this item and asked Council if there was interest in exploring alternatives for the annual dinner that would better facilitate discussion. She suggested holding the dinner on an alternative night so there was not such a tight time constraint with a meeting immediately following the dinner.

Council Member Young agreed with the recommendation to hold the dinner on another night and suggested holding it off-site rather than in the Municipal Building lobby.

9. PUBLIC COMMENT ON MATTERS

The public hearing was opened at 9:33 PM, there being no speakers present, the public hearing was closed.

10. FINAL DECISIONS ON MATTERS

Vote was taken on the motion to recognize the hard work of the public art selection committee and Arts Commission in developing public art for the main public library, to honor the wishes of those in the community who seek further input into the decision-making process and to support the city manager’s decision to defer awarding a contract for public art at the main public library while developing a more inclusive and diverse process for future public art decisions. The motion carried 8-0 with Council Member Plass absent. Vote was taken at 9:34 PM.

Vote was taken on the motion to ratify the Board and Commission appointments and to reopen recruitment for BURA for the three-year term. The motion carried 8:0, with Council Member Plass absent. Vote taken at 9:34 PM.

11. DEBRIEF

Council Member Jones announced that the city of Boulder, in partnership with Eco-Cycle, would be holding an event on May 10, 2014 opening Recycle Row.

Council Member Cowles expressed excitement regarding the ordinance moving municipalization forward.

Council Member Weaver agreed with Council Member Cowles comments.

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on May 6, 2014 at 9:37 PM.

Approved this ___ day of _____, 2014.

APPROVED BY:

ATTEST:

Matthew Appelbaum
Mayor

Alisa D. Lewis
City Clerk

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE

Consideration of a motion to accept the April 22, 2014 study session summary on the budget and financial update, and potential ballot issues.

PRESENTERS

Jane S. Brautigam, City Manager
Bob Eichen, Chief Financial Officer
Peggy Bunzli, Budget Officer

EXECUTIVE SUMMARY

This agenda item provides a summary of the April 22, 2014 City Council study session on the budget and financial update, and potential ballot issues (**Attachment A**). The purpose of the study session was to provide an update to council regarding 2013 financial results, local economic conditions, the 2015 budget development process and potential ballot items. Staff response providing additional information on construction use tax is included in **Attachment B**. Additional staff response to council questions related to the Pay As You Go potential ballot item, asked during the April 22, 2014 study session, will be provided under Matters at the June 17, 2014 City Council meeting.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to accept the study session summary from April 22nd, 2014 included in this agenda item as **Attachment A**.

NEXT STEPS

Staff will bring forward additional information related to the Pay As You Go potential ballot item, and ballot options on June 17, 2014

ATTACHMENTS

- A. Summary of the April 22, 2014 Study Session on the budget and financial update, and potential ballot issues.
- B. Additional Information on Construction Use Tax Collections.

April 22, 2014
City Council Study Session Summary
Budget and Financial Update, and Potential Ballot Measures

PRESENT:

City Council: Council Members Appelbaum, Karakehian, Morzel, Plass, Shoemaker, Weaver, and Young.

Staff Members: Jane Brautigam, City Manager; Bob Eichen, Chief Financial Officer; Peggy Bunzli, Budget Officer; Alisa Lewis, City Clerk; Jeff Arthur, Director of Public works for Utilities; Don Ingle, Director of Information Technology

PURPOSE:

The objective of this study session was to provide City Council with an update on 2013 financial results, local economic conditions, the 2015 budget development process and potential ballot items.

PRESENTATION OVERVIEW:

Jane Brautigam, City Manager, introduced the topics of the study session:

- A financial update for 2014 and current economic conditions that affect the city
- An update on 2015 budget development
- Potential ballot items including Pay As You Go financing for capital projects
- Charter items for consideration

Financial Update

Peggy Bunzli, Budget Officer, updated council on the 2013 Financial Results. The 2013 unaudited financial results for the city of Boulder are in line with projections, revenues and expenditures came in within expectations, and reserve goals were met. Due to a major flood event, some reserves were used to cover emergency response and damage repair in 2013, in accordance with reserve policies.

Total sales and use tax revenue for 2013 came in at 7.56 percent above 2012 collections. Retail sales tax makes up approximately 80 percent of total sales and use tax collections for the City of Boulder and, while not robust, ongoing retail sales tax remained stable throughout 2013 and so far in 2014. Construction use tax collections, which are one time in nature, were the highest the city has seen, in 2013, and can be attributed to a few very large projects that occurred within the city. Additional one time revenue came from a portion of the 2013 retail sales tax collections that resulted from business to business sales, which are not expected to recur monthly. Consequently, much of the sales and use tax collections over projection in 2013 were due to one time revenue and are not expected to occur again in 2014 or 2015.

2015 Budget Development

Peggy Bunzli, Budget Officer, updated council on the 2015 budget process. The city continues to use Priority Based Budgeting (PBB) as one of its primary tools in budget development. PBB is the iterative process of prioritizing city programs in terms of their influence on achieving defined objectives, called *results*, and aligning resources to achieve those *results*. The *results* reflect council and community priorities and were developed with input from council, the community and the organization.

The city's PBB *results* are:

- Accessible and Connected Community
- Economically Vital Community
- Environmentally Sustainable Community
- Healthy and Socially Thriving Community
- Safe Community
- Good Governance.

In addition, the City of Boulder continues to refine its Sustainability Framework. The 2015 budget process will work within this framework, which serves as an overarching guide to the work of the city organization and how the City of Boulder serves the community.

Finally, along with a focus on council's goals, developed at the January 2014 council retreat, the 2015 budget development process will also focus on the following key areas:

- Public Safety
- Boulder's Energy Future
- Flood Recovery and Resilience, including Utility rates
- The Civic Area.

Utility Rates

Jeff Arthur, Director of Public Works for Utilities, presented potential utility rates increases, in response to the flood. In the development of the 2014 budget and 2014-2019 CIP, the anticipated rate increases for 2015 were 4 percent in the Water Fund, 5 percent in Wastewater and 3 percent in Stormwater/Flood Management. As a result of the September 2013 floods, these rate increases are being re-evaluated. Most significantly, in the Stormwater/Flood Fund some community members have expressed the desire for more investment into flood and stormwater infrastructure and enhanced maintenance of the system. In working with the Water Resources Advisory Board, discussions have focused on an option that would increase the single-family dwelling (up to 15,000 sq. ft.) monthly stormwater charge from \$7.69 per month to around \$13 per month. This \$5.31 per month increase equates to an almost 70 percent rate increase. This would result in approximately \$3.8 Million in additional ongoing funding which could be used for pay-as-you-go capital projects, or bonding may be considered. The details of the how this additional funding would be prioritized will be refined through the budget process. For reference, this rate increase would put the stormwater rate similar to Ft. Collins and Longmont and may be appropriate, given the relative flood risk in Boulder

Council Questions Related to the Utility Rates

Council asked what Longmont plans on doing with their stormwater rates in response to the flood. Ken Baird, the Utilities Financial Manager, stated that Longmont, which increased its stormwater rates immediately after the flood, will keep \$13.05/month per residential and look toward outside funding sources.

Council asked about the reaction to rate increases in Longmont and Fort Collins. Mr. Baird stated that there was little negative reaction in the wake of the floods, and that the rate increase was not controversial. Bob Eichem, Chief Financial Officer, related his experience in Fort Collins, and noted that the citizens realized major improvements were needed.

Council asked about screening the wastewater treatment plant for large rock fragments in the wake of the flood. Mr. Arthur responded that wastewater is heavily regulated, with common upgrades. Investment will be need on the collection system.

Council asked about any discoveries from autonomous underwater vehicle (AUV). Mr. Arthur stated that no major problems were found in the larger pipes, but some pipes are deteriorating faster than expected, and may not be fixed immediately.

Council asked for an update regarding Wonderland Creek and South Boulder Creek projects. Mr. Arthur noted that Wonderland was going to be addressed with cash financing, but those funds were used to address the flood. As a result, bonding will need to be done. He also mentioned that South Boulder Creek is a bond project that is still a couple years away.

Council asked about duplicate water treatment facilities. Mt. Arthur noted that 63rd street facility's capacity has been increased, but it is not a gravity facility so it is harder to jump up production.

Council asked about any plans that will mitigate wastewater backups resulting from a flood. Mr. Arthur noted that implementing a system that can handle 17 inches of rain in a week is really not feasible, but improvements will be made as needed.

Ms. Bunzli then presented the 2015 budget development calendar, showing the steps from council developing its vision and goals at the January retreat, PBB implementation, cost and revenue projections, citywide budget development, and the submission of the City Manager's Recommended budget to council in August. The Capital Improvement Program study session will take place in August, (an) overall budget study session(s) will take place in September, and public hearings and additional council discussion will take place in October, where council will be able to adjust and adopt the 2015 budget.

Council Questions Related to the Financial Update and Budget Development

Council asked about the amount of reserve used on flood recovery. Ms. Bunzli noted that approximately \$8.5 million was used, across various funds. She also noted that timing and amount of FEMA reimbursement is uncertain. Bob Eichem, the Chief Financial

Officer, added that last year sales and use tax collections were up 4.1% over projections and that these additional collections will help replenish some of the reserves. Due to funding restrictions of enterprise funds, Utilities has greater challenge related to covering flood costs and replenishing reserves.

Council member Karakehian requested additional information on construction use tax trends and what might be considered base, ongoing collections versus one-time collections. Mr. Eichem indicated that staff would provide additional information. Additional information is included in **Attachment B**.

Long Range Fiscal Planning

Bob Eichem, Chief Financial Officer, presented an overview of the long term structural gap. Currently, the city projects a gap between ongoing revenues and costs of \$55 million by 2030. This gap, which was originally identified by the Blue Ribbon Commission, has been reduced from the original projection of \$135 million, with various initiatives, including recent renewal of taxes. Additionally, the city still faces significant loss of buying power. The city is going to update the Blue Ribbon Commission work, starting this year and into next year.

Mr. Eichem discussed the long range fiscal planning from 2015 to 2039. The Intermediate Term (2015-2019) category includes taxes that will sunset by the end of 2019, or that have previously been discussed as potential ballot issues. There are no sales and use taxes that sunset during this time spectrum. The taxes that do sunset during this time are:

- The Utility Occupation taxes:
 - The occupation tax that sunsets on December 31, 2017 is a General Fund revenue that took the place of the franchise tax for electricity (app. \$4.1M annually)
 - The occupation tax that pays for the study of whether to create an electric utility sunsets the earlier of December 31, 2017, when the city decides not to create a municipal utility, or when the city commences delivery of municipal electric utility services (app. \$1.9M annually)
- The Climate Action Tax that sunsets March 31, 2018 (app. \$1.8M annually).

Within this time spectrum staff has also included information regarding competing citywide capital and operating needs that may require additional revenue, currently and in the future.

Mr. Eichem then went into detail on the Long Term (2020-2039) items for consideration. This category addressed city revenue ballot issues from 2020 through 2039 when the last time limited sales and use tax expires:

- The non-dedicated .15% General Fund sales and use tax that will sunset on December 31, 2024
- The Parks and Recreation dedicated tax that expires at the end of 2035
- The .15% sales and use tax that will expire at the end of 2039.

Potential Ballot Items

As introduction to the consideration of potential ballot items, Mr. Eichen presented council with a schedule of expiring taxes and discussed potential revenue issues related to long term fiscal sustainability and citywide initiatives. Potential tax issues in 2014 include:

- Pay As You Go (PAYG) capital short term sales and use tax
- Vacation Rental By Owner (VRBO) tax
- Exemption from state law restricting telecommunication networks and related services such as offering broadband

Mr. Eichen noted that due to a lack of solid data and timelines for reimbursements, the replacement of reserves has not been included as a 2014 ballot item for the tax supported funds.

Pay As You Go (PAYG)

Mr. Eichen highlighted items staff has brought forward for consideration for PAYG financing:

- University Hill revitalization projects
- Civic Area catalytic projects
- Flatirons Event Center
- Funding for non-profits that have requested capital contribution

Council Questions and Discussion Related to PAYG

Council asked why the current proposal for catalytic projects in the Civic Area has a cost of \$8.7M, when in a February study session, these projects were only expected to cost \$4.8M. Paul Leef, Senior Architect/Planner with Community Planning and Sustainability and Jody Tableporter, Project Manager for the redevelopment of the Boulder Civic Area, with Parks and Recreation, explained how with further information and understanding related to creating an area for cultural activities, scope had changed. This would cover funding for both physical infrastructure and events.

Council asked what the process is for going forward with the PAYG ballot item. Ms. Brautigam answered that staff would come back to council before their break with additional information, based on the feedback from the April 22 discussion, and then back again in August with ballot language for consideration.

Council asked for clarification on which option for the Flatirons Event Center was being proposed. Staff provided the clarification including that PRAB and public process would be needed for this.

Council asked where people were going now, with the event center out of commission. Ms. Brautigam answered that many were using Avalon.

Council Member Plass expressed interest in the full option for Flatirons but wondered whether the public process could be achieved in time. Ms. Brautigam answered that it

could be done but would have to be done more quickly than normal. This would increase staff's workload and that it may mean revising staff's work plan in order to accomplish it.

Council Member Appelbaum indicated that he would rather see the \$6.7M proposed for Flatirons used in the Civic Area.

Council Member Weaver indicated an interest in some level of funding for Flatirons but not necessarily the highest amount. He also asked about Emergency Preparedness items that had been removed from the PAYG list. Although he was sure they could be handled through the operating budget, he wondered about the time it would take to do so and if not using PAYG was a missed opportunity to get some important items purchased.

Council Members Young, Morzel, and Karakehian all expressed interest in the spectrum for Flatirons Events Center. George expressed concern that the \$6.7M would create a center that would be too expensive for the non profits and other organizations that have traditionally used the center.

Council Member Weaver asked what occupation taxes were in surrounding cities or head taxes. Ms. Brautigam noted that she did not believe any head tax had passed since TABOR began in 1992.

Council Member Young stated support for funding non profits and thought that an additional .1% (to the .2% proposed) could be used for this, including a potential fund for public art.

Council Member Morzel noted that a group called "Decade of the Arts" would be interested in public art funding. She asked if funding some non profits set a precedent for others to ask for funding and asked what process the city would have to address this. Ms. Brautigam replied that no city process was envisioned at the time. In this case, the city is responding to specific requests from specific non profits. It is not in the current work plan or general scope of the CFS to solicit non profits for funding requests. Ms. Brautigam also mentioned that she had heard that a request might be coming forward from the Bridge House. Staff will bring anything received forward to council.

Council Members Shoemaker and Karakehian indicated support of further exploration regarding PAYG capital funding for non profits.

Mayor Appelbaum stated that PAYG projects should be smaller projects that would not normally be included in a bond. He noted that he thought funding to get the Civic Area started fit into that category. He stated concern of the potential for additional costs in the Chautauqua undergrounding project (unintended consequences) and gave his support for the .2% or .3% level of tax rate.

Mayor Appelbaum asked about funding for Fire station #3. Jane replied that we currently don't have space, though the development of Valmont South could allow for the Mapleton ball fields to move and thus free up the Mapleton space for the Fire station.

Timing is the issue, so that would make this a longer-term project, not ready for near term funding.

Council Member Plass also noted his support of funding to the non profits, and expressed the desire to have equity amongst them. Ms. Brautigam noted that the city will be undergoing a community cultural plan and that staff recommendation is to wait for the outcome of that plan before providing funding to nonprofits. The plan would not, however, be done in time for the PAYG ballot item.

Council Member Shoemaker indicated the need for lighting on the Hill as a high priority. Ms. Brautigam acknowledged this and suggested that this item would fit better into a larger bond item, such as municipalization.

Council Member Weaver supported funding nonprofits. He was undecided on what rate of tax was best, indicating that it depended on the projects being proposed.

Mayor Appelbaum expressed concern that if the city supported the capital campaign of a nonprofit, and that nonprofit was not as successful in raising capital dollars as needed, the city could be on the hook for covering the gap. He noted that this would put the city into the position of having to fund a potentially lower priority than other city needs. He indicated that the Chautauqua project could be the exception to this.

Council Member Young asked if the County was planning to put a safety net tax on the ballot. Matt Appelbaum replied that they were and that it would be a property tax.

Council Member Shoemaker asked for more information on Bridge House. Ms. Brautigam replied that we had not yet received a request so did not have additional information. She also mentioned that funding for Bridge House might be available from Housing funds. Mr. Shoemaker expressed his interest in this.

Council Member Karakehian asked if there was a list of Civic Area items that council could choose from. Ms. Brautigam replied that all proposed items were supported by the Civic Area Master Plan. Mr. Eichem indicated that there may be reasons why some projects would benefit from being done together.

Vacation Rental By Owner (VRBO)

Mr. Eichem briefly explained VRBOs, their increasing presence, and the compliance issues they pose. He outlined two options for taxing VRBOs:

- A new VRBO tax set at the lodging tax rate to maintain equity in the type of service being provided
- Expansion of the current lodging tax by expanding the definition of the tax to include VRBO

Council Questions and Discussion Related to VRBO

Council Member Morzel indicated support for a lodging tax rate, and asked under what conditions this would be allowed. She noted that it might be helpful to have a study

session on VRBO. Ms. Brautigam stated that there is not staff capacity to do a study session at this time, and that the background research would be challenging.

Council Member Morzel also supported voluntary compliance and expressed concern for unregulated safety issues. City Attorney Carr suggested the option of considering review of VRBO in next year's work plan.

Council Member Karakehian supported this.

Council Member Shoemaker noted concern in creating an environment of non-compliance and suggested the possibility of an increase to fines to pay for increased staffing needed to enforce compliance.

There was a consensus among council that VRBO would not be considered in 2014 and that it could be brought forward at council's next retreat for potential inclusion in the 2015 council work plan..

City Investment in Telecommunication Services

Director of Information Technology, Don Ingle briefly described the state law that bars governments from competing with private providers to provide broadband (the law has opt outs). He proposed that the City consider putting forward a ballot item that would allow voters to exempt the city from this law, with one of two options:

- Complete exemption (e.g. City of Longmont)
- Partial exemption, with public/private partnerships (e.g. City of Centennial)

Council Questions and Discussion Related to Telecommunications

Council Member Shoemaker asked if pursuing the first option would give the flexibility to engage in the second action at a later period of time. Mr. Ingle stated that it could be done that way.

Council Member Plass recommended putting the first option on the ballot. Council Member Appelbaum noted that the ballot option failed the first time in Longmont, but succeeded the second time.

Council supported bringing forward a ballot item for complete exemption.

Charter Items

Staff asked council if there were charter items that they would be interested in bringing forward.

Council Member Morzel asked about allowing the Transportation Advisory Board (TAB) to be able to consider land use. City Attorney Carr indicated that this would not be a charter issue.

Council Member Appelbaum suggested changing the Open Space Board of trustees to seven members. There was not consensus on this item.

Council proposed allowing for executive sessions for specific kinds of discussions, including real estate transactions, employment matters and municipalization. There was consensus on proposing executive sessions for municipalization. City Attorney Carr indicated that he would draft language for council consideration.

Council discussed revisiting the Blue Line, in light of a letter that the City Manager received from a homeowner whose house sits partially within the Blue Line. Ms. Brautigam indicated that staff had looked at the possibility of addressing only part of the Blue Line but, after further consideration, staff recommends addressing the Blue Line as a whole. Council supported this and agreed that this could not be done at this time.

NEXT STEPS

Based on the input, staff will:

- Continue to monitor economic indicators and city revenue receipts
- Continue to align the budget process with the priorities of the City Council and the community
- Provide additional information regarding Utilities rates during the ongoing budget process
- Provide council with the City Manager's 2015 Recommended Budget in the early fall
- Provide council with an update on phase II (operating) of the Comprehensive Financial Strategy in early 2015
- Come back to Council with additional information on the potential PAYG ballot item at the June 17th Council meeting.
- Bring forward a potential 2014 ballot item on Telecommunications
- Bring back charter items requested by council.

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Construction Use Taxes

Construction use taxes collected in the City of Boulder in 2013 were at the highest level ever seen in the city. With significant construction projects slated to take place in 2014 and 2015, it is anticipated that 2014 and 2015 collections will also be high, though not at the level seen in 2013. These taxes, collected on construction projects, are not tied to ongoing, regular commercial activity, but are based on discrete construction activity.

The number and size of construction projects can vary significantly from one year to the next. As such, only a base amount is considered as ongoing revenue that will occur each year, and can fund ongoing services and programs. The ongoing amount is monitored closely and reviewed each year to determine if the base has increased. For 2015, the base amount is estimated at \$5 million. The amounts above this base are considered to be one time in nature, since the levels are not considered sustainable in the long run. These one time revenues are used to fund one time costs. If the city used the total amount as the base and funded ongoing services and programs with the full amount, and construction use tax collections reverted to the norm, then ongoing services and programs would have to be cut or eliminated. By following this best practice in finance the City of Boulder was able to avoid deep cuts in service levels during 2008 to 2010 while going through the worst recession since the great depression.

The table below shows the construction use tax collections in the City of Boulder for the last ten years. The table also shows 2014, 2015 and 2016 current construction use tax revenue projections.

Table 1: City of Boulder Construction Use Tax Collections 2004 - 2013

Actual Collections		
year	amount	% change
2004	3,048,978	-6.4%
2005	5,597,684	83.6%
2006	5,302,000	-5.3%
2007	4,814,755	-9.2%
2008	4,048,982	-15.9%
2009	7,449,176	84.0%
2010	6,550,964	-12.1%
2011	6,172,383	-5.8%
2012	5,602,825	-9.2%
2013	9,508,900	69.7%
Projected Collections		
year	amount	% change
2014	9,033,055	-5.0%
2015	8,130,110	-10.0%
2016	7,601,652	-6.5%

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE: Consideration of a motion to accept the April 22, 2014 study session summary on a University Hill Reinvestment Strategy.

PRESENTERS

Jane S. Brautigam, City Manager

Molly Winter, Director, Downtown & University Hill Management Division

Eric M. Ameigh, Senior Project Manager

EXECUTIVE SUMMARY

This agenda item provides a summary of the April 22, 2014 study session on a University Hill Reinvestment Strategy (HRS). The purpose of the study session was to update council on the proposed HRS and to seek feedback on the overall approach as well as some specific components of the effort. Council was supportive of the proposed strategy with the following potential modifications and/or caveats:

1. In addition to creating an event street on Pennsylvania, 13th Street between Pennsylvania Avenue and College Avenue should be reimagined and possibly reconstructed as a shared street which could be closed for events. Also consider a residential lighting pilot that would be “off the grid.”
2. Strong consideration should be given to greater diversity of uses in addition to non-student housing when the 14th Street parking lot is redeveloped into a parking garage and mixed use project.
3. There is concern that the proposed Residential Service District (RSD) pilot may not be financially sustainable and, while council is supportive, it will need to be addressed. Coordination with enforcement is important.

Staff, in consultation with community partners, will begin implementation immediately.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff recommends Council consideration of this summary and action in the form of the following motion:

Motion to accept the April 22, 2014 study session summary on a University Hill Reinvestment Strategy.

NEXT STEPS

Staff is working on preliminary scoping for a shared street on 13th Street between Pennsylvania Avenue and College Avenue in addition to an event street on Pennsylvania as well as a residential street lighting pilot that would be “off the grid” and enhancements to the alleys. More information will be shared with council at the June 17, 2014 meeting and the projects may be considered for inclusion in a potential “Pay as You Go” funding ballot item in the fall or for the Capital Improvement Program.

The Hill Revitalization Coordinator position will be posted in May. It is expected the successful candidate will begin by August 1, 2014.

The following activities will take place before October 1, 2014:

- A comprehensive work plan for the HRS will be created.
- The Innisfree mural will be completed.
- Implementation of 2.5 year RSD pilot will begin.
- Council will be updated on the public/private partnership for the 14th Street lot.
- Council will be updated on the implementation status of the HRS.
- Pilot Parklet will be completed by May 19th.

ATTACHMENTS

- **Attachment A** – April 22, 2014 Study Session Summary on a University Hill Reinvestment Strategy

April 22, 2014 Study Session Summary on a University Hill Reinvestment Strategy

PRESENT

City Council: Mayor Matt Appelbaum, Mayor Pro Tem George Karakehian, Council Members Lisa Morzel, Tim Plass, Andrew Shoemaker, Sam Weaver, and Mary Young.

Staff members: City Manager Jane S. Brautigam, Director of Downtown and University Hill Management Division and Parking Services Molly Winter.

PURPOSE

The purpose of the study session was to update council on the proposed University Hill Reinvestment Strategy (HRS) and to seek feedback on the overall approach as well as some specific components of the effort.

OVERVIEW OF THE PRESENTATION AND DISCUSSION

Ms. Winter presented the background for the proposed HRS, including the formation of the Hill Ownership Group and the group's two big ideas: the residential service district (RSD) and the innovation and creative arts district. The RSD was envisioned as a special taxing district in the high density residential area that would have removed graffiti and litter from public and private property. The innovation or creative arts district would have leveraged the neighborhood's youthful and creative identity to promote public art and new ways of thinking about city government involvement and private enterprise on the Hill. Ms. Winter described the ways in which these two ideas are still alive and well on the Hill and the manner in which they will influence the HRS.

The HRS contains three areas of focus: Quality of Life, Organizational Structure, and Catalyst sites.

Quality of life encompasses public safety efforts like the Police Department's Neighborhood Impact Team, a proposed pilot for the RSD to be funded by the city for 2.5 years, ongoing code enforcement work, beautification efforts like the Pennsylvania Avenue parklet and multiple murals, and proposed capital investments such as street tree irrigation and the Pennsylvania Avenue event street.

Organizational structure refers to the need for organizational and management capacity, in some form yet to be determined, for the Hill. Leadership and responsibility for management of the Hill's issues are currently dispersed between private business interests, various city departments, neighborhood organizations and the University Hill Commercial Area Management Commission (UHCAMC). Regardless of the form it eventually takes, an organization must emerge that can play a similar role for the Hill that the Business Improvement District plays for downtown and integrate the interests of the diverse stakeholders.

Catalyst sites are those sites that offer an opportunity to alter the character of the neighborhood in a positive way. Some examples include the 14th Street parking lot, which is proposed to be redeveloped as a parking lot and mixed use building, the Pleasant Street parking lot, and the gas station at 13th Street and Pleasant.

Ms. Winter concluded the presentation by explaining the next steps, which include hiring a fixed term position to coordinate the HRS workplan and moving forward the initiatives listed within the strategy.

Council generally expressed its broad support for the HRS including hiring the Hill revitalization coordinator although there were some concerns expressed about the longer term financial sustainability of the RSD after the pilot period. Coordination between the RSD and enforcement is important. There were also some comments from council about:

- The lack of University of Colorado involvement and their need to partner with the city on the Hill.
- A desire to see a greater diversity of uses in addition to non-student housing at the 14th Street redevelopment site
- A possible rethinking and redesign of 13th Street between Pennsylvania and College in addition to the event street on Pennsylvania.
- The need for success measures and progress milestones
- A desire for a residential area street lighting pilot that would be “off the grid.”
- Consider more creative zoning on the Hill as well as historic landmarking; perhaps an overlay district.
- Enhancement of the alleys in the commercial district.

The tenor of the conversation was one of support for the risk taking and boldness contained in the proposed HRS and staff was encouraged to move forward with making the proposal a reality.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE: Consideration of a motion to accept the summary of the April 29, 2014 study session on Boulder's Energy Future.

PRESENTER/S

Jane S. Brautigam, City Manager
Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Jonathan Koehn, Regional Sustainability Coordinator
Yael Gichon, Energy Sustainability Coordinator
Kelly Crandall, Energy Strategy Coordinator
Kara Mertz, Environmental Action Project Manager
Elizabeth Vasatka, Business Sustainability Coordinator
Jamie Harkins, Business Sustainability Specialist II
Elyse Hottel, Sustainability Data Analyst
Juliet Bonnell, Administrative Specialist
Lesli Ellis, Comprehensive Planning Manager
Brett KenCairn, Senior Environmental Planner
Sarah Huntley, Media Relations/Communication Manager
Colette Crouse, Sustainability Communication Specialist
Lisa Smith, Energy Communication Specialist

EXECUTIVE SUMMARY

This agenda item provides a summary of the April 29, 2014 City Council study session on Boulder's Energy Future. The purpose of the study session was to:

- Provide an overview of the next phase of work aimed at achieving the energy future the Boulder community envisions;
- Present current and planned efforts for city-supported energy services and innovations, including the direct relationship of those efforts to achieving the community's climate commitment goal; and

- Outline next steps in exploring municipalization of the electric utility system as the path that will enable Boulder to move aggressively toward the creation of the “utility of the future.”

[Attachment A](#) is a summary of council’s discussion of the issues and the questions presented at the study session.

STAFF RECOMMENDATION

Suggested Motion Language

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

Motion to accept the summary of the April 29, 2014, study session on Boulder’s Energy Future.

NEXT STEPS

Energy Services and the “Utility of the Future:” How We Get from Here to There

1. Define the city’s commercial and industrial energy efficiency strategy through an inclusive process of engagement with property owners, businesses and local energy experts, including refinement and expansion of related energy services upon hiring a new Energy Services Program Manager/Lead Strategist.
2. Continue to refine and support delivery of EnergySmart services to achieve annual targets and support SmartRegs implementation.
3. Complete an updated community greenhouse gas inventory (planned for completion in 2014), assuming data issues around the acquisition of community electricity and natural gas usage can be resolved.
4. Update council on outcomes and recommendations of solar and natural gas working groups.
5. Apply lessons learned from the Community Power Partnership and Boulder Energy Challenge Grant Program in planning 2015 priorities including program design and delivery.
6. Refine utility of the future vision and consolidate community energy-related goals through a public process.
7. Use utility of the future vision to establish criteria, metrics, and a timeline for prioritizing new initiatives and pilot projects that support energy services development.
8. Apply utility of the future vision to functional areas of the municipal utility transition plan (such as ratemaking, customer service, and operations), identifying where best practices can be incorporated and where additional research and piloting may be required.

Municipalization

1. Proceed with condemnation and regulatory filings 2nd and 3rd quarter.

2. Develop budget and finalize transition work plan:
 - a. Present draft plan to City Council in May;
 - b. Community engagement process for envisioning the utility of the future incorporating the city's climate commitment goals in May/June;
 - c. Form transition plan working groups and initiate public outreach to support development of the transition plan in May/June; and
 - d. Present final work plan in June.
3. Implement the transition plan beginning the 2nd quarter of 2014.

ATTACHMENTS

Attachment A: April 29, 2014, Study Session Summary

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April 29, 2014
City Council Study Session Summary
Boulder's Energy Future

PRESENT:

City Council: Council Members Appelbaum, Cowles, Jones, Karakehian, Morzel, Plass, Shoemaker, Weaver, Young

Staff Members: Jane S. Brautigam, City Manager; Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development; David Driskell, Executive Director of Community Planning and Sustainability; Susan Richstone, Deputy Director of Community Planning and Sustainability; Jonathan Koehn, Regional Sustainability Coordinator; Kelly Crandall, Energy Strategy Coordinator; Kara Mertz, Environmental Action Project Manager; Elizabeth Vasatka, Business Sustainability Coordinator; Jamie Harkins, Business Sustainability Specialist II; Elyse Hottel, Sustainability Data Analyst; Juliet Bonnell, Administrative Specialist; Lesli Ellis, Comprehensive Planning Manager; Brett KenCairn, Senior Environmental Planner; Sarah Huntley, Media Relations/Communication Manager; Colette Crouse, Sustainability Communication Specialist; Lisa Smith, Energy Communication Specialist; Heidi Joyce, Administration

PURPOSE:

The purpose of the study session was to discuss and seek council feedback on activities related to Boulder's Energy Future, including:

1. The linkage between the city's climate commitment goals and our energy services, new pilot initiatives and municipalization efforts;
2. The city's vision of the "utility of the future," specifically in terms of how it would relate to and serve its customers;
3. Current city-supported energy services and 2014 program enhancements;
4. Innovative energy service pilots being planned and implemented in 2014/15;
5. Ongoing work associated with creating a municipal utility and the resources and effort directed toward transitioning to a new utility business model;
6. Regional, national and international partnerships; and
7. Next steps and schedule for 2014/15.

OVERVIEW OF PRESENTATIONS:

D. Driskell introduced the integrated energy efforts led by the Local Environmental Action Division (LEAD) and the Department of Energy Strategy and Electric Utility Development.

Connecting Climate and Energy

D. Driskell identified the connection between the 2014/2015 programs, projects and initiatives to the overall goal of reducing greenhouse gas emissions through source change (fuel switching) and energy efficiency improvements.

Energy Services Today

D. Driskell gave the following update on existing energy programs:

- **EnergySmart Services program:** The nationally-recognized energy efficiency service that helps homes and businesses throughout Boulder County become more energy efficient. The program's success is attributed to collaboration with partners and members of the community with a focus on the customers' perspective. The program's audit to action ratio results in over 75 percent of owner-occupied units, and nearly 50 percent of businesses are making upgrades after receiving advising services. These percentages are well above utility industry standards. The EnergySmart program is one example of how a local utility could engage with the customer, in terms of what services customers want and the way in which they are delivered.
- **SmartRegs:** The licensed rental housing energy efficiency requirement program. The city is developing a strategy to assist property owners to meet the 2019 deadline for rental housing energy efficiency compliance. To date, approximately 5,500 rental units have met the compliance requirements and 13,400 units will need to comply by Jan. 2019. The city is working on developing education and outreach strategies to encourage property owners to engage in the process now rather than wait until closer to the compliance deadline.

New Initiatives

D. Driskell presented new city initiatives that will help advance the city's energy goals:

- An Energy Services Manager/Lead Strategist position has been posted and interviews have been scheduled. This position will help develop leading edge commercial and industrial energy efficiency strategies.
- The Community Power Partnership program is a two-year pilot research project launched in collaboration with the Pecan Street Institute. The city and its partner have begun to install smart meter equipment for energy and water use that monitors circuit level information. Approximately 50 homes have volunteered to be outfitted with smart water meters and technology devices from eGauge – a Boulder based company. The meters will provide real time energy and water use data to customers. The project will help the city understand customer behaviors and provide data on Boulder's load profile. Up to twenty five businesses and Fairview High School are also being outfitted with these eGauge meters.
- The Boulder Energy Challenge Grant Program is a pilot program designed to stimulate local innovation and create market-driven solutions for reducing greenhouse gas emissions. Approximately \$300,000 from the Climate Action Tax fund has been dedicated to this program to support a portfolio of five to 10 proposals. The program is expected to launch May 12, with a community showcase of finalists to be presented end of July.
- EcoDistricts look at district-scale approaches towards sustainability. Potential partnerships and opportunities for an energy district in Boulder may include the Sutherland (Boulder Junction), Western Disposal and future civic area sites.

- The solar and natural gas community working groups are underway, and are charged with advancing solar energy within the city and looking at best practices to promote responsible standards for natural gas development and procurement to achieve our energy goals.

The Vision for the “Utility of the Future”

H. Bailey presented the vision for the utility of the future. If the city owned its own retail utility, Boulder could have:

- A choice as to the carbon intensity and cost of its energy supply. Today, Boulder is making an impact on reducing the city’s carbon footprint, but not to the level necessary to meet the city’s climate commitment goals.
- A choice in prioritization of investments in infrastructure such as undergrounding poles and wires, constructing microgrids, and investing in new technologies. Under an investor-owned utility, Boulder does not have the ability to make those choices today.
- The ability to create innovative rate structures that incentivize conservation, provide opportunities for low-income customers, offer rate options for those on a fixed income and other types of incentives/services.
- Customized future offerings that could provide a range of services.

Barriers Can be Opportunities

H. Bailey described how the city’s energy future goals are, in some cases, in direct conflict with the existing utility model. Additionally, there are a number of demands on the existing utility model that cause upward pressure on rates, including new environmental regulations, investment requirements, flat or declining load growth and shifting fuel economics. For example, some utilities have identified the confluence of efficiency, conservation, on-site solar, and energy storage as a traditional utility “death spiral” in which costs from grid defection are increasingly borne by customers who cannot afford to go off the grid. Considering these barriers, the city has a unique opportunity to create a new model or utility of the future that provides “energy as a service.”

Guiding Principles for Future Energy Services

H. Bailey presented a vision that pulls us toward our energy future and climate action goals including:

- Ensuring safe, reliable and secure energy;
- Developing a transition plan that moves us away from fossil fuels;
- Seeking opportunities to invest in local economy (i.e., taking profits earned and reinvesting in infrastructure and services and using money to create jobs and support local businesses); and
- Designing an energy marketplace for innovation.

Marketplace for Innovation

H. Bailey introduced the marketplace for innovation concept and described it would include three basic components including an electricity delivery platform, an energy services market and a customer interface:

- The electricity delivery platform is the basic platform responsible for ensuring safe, stable reliable energy for all. This is the primary function for an electric utility.

- The energy services market is an application concept similar to smart phones apps for the electric industry, where Boulder would go to the marketplace and solicit entrepreneurs and innovators to develop services customers need and want. Examples of applications could include peer-to-peer energy exchange, electric vehicles as storage devices, turnkey local generation and storage services.
- The utility and the innovations platform would interface directly with Boulder businesses and residential customers.

H. Bailey stated that others are also exploring this concept. An article published on April 29 in *Environment & Energy Daily*, “N.Y. gets to work on ‘grid of the future’ with sweeping changes to come,” tells how Governor Cuomo directed the New York Public Service Commission to evaluate, at a statewide level, changing the entire utility market to “begin a proceeding meant to pave the way for distributed energy, smart-grid technologies, demand response, electric vehicles and, ultimately, the prospect of less hard infrastructure.” The utility would “effectively serve a new purpose under the shifting umbrella of rules and market obligations, acting as ‘distributed system platform providers’ to help move along a side market with tariffs to enable behind-the-meter resource providers to monetize products and services.”

Where Do We Go From Here

H. Bailey said staff will work with the community to develop the vision of a new utility, create a roadmap for Day 1 and beyond and will continue to explore pilot programs.

Municipalization Exploration Update

H. Bailey gave an update on the municipalization exploration project. The city is moving forward with condemnation and regulatory filings, working with the PUC on a path that works for both the city and Xcel, developing a transition work plan that outlines step-by-step tasks to help guide the city to creating, owning and operating an electric utility, and engaging our community.

COUNCIL DISCUSSION

S. Weaver participated on the city’s RMI eLab accelerator team and provided his perspective on the event. He stated that RMI eLabs did an effective job leading the discussion with the premise of anchoring the planning to the vision and letting the restoring force pull towards that vision. He presented the idea of the utility operator creating a platform. At first, the utility provides power generation and a certain amount of generating capacity, but over the long run entrepreneurs provide the energy. The utility would still provide backup and a stable grid, but the entrepreneurs would provide the innovation services. The utility could have a standard developers kit, where all entrepreneurs have a set requirements they would have to meet in order to come on the grid. He complimented the team and the process.

Council asked what assistance is available to Boulder from others who are creating platforms to develop standards that make sense.

H. Bailey was unaware of specific standards that have been developed, but stated there are several areas to look at, including platforms developed by EcoDistricts, research at the federal level, and states with competitive markets.

Council asked how EcoDistricts translate into existing neighborhoods, since new developments comprise two percent of development in Boulder.

D. Driskell highlighted several new development and redevelopment EcoDistrict initiatives taking place, including an upcoming incubator session on new development for an energy district, Denver’s EcoDistrict redevelopment initiative and sustainable neighborhood certification program and several EcoDistrict initiatives underway in Washington DC. The appeal of the Portland Group’s EcoDistrict framework is the attention it gives to community process and to governance – with community partners, private investments and behavior change components. Potential EcoDistrict developments in Boulder include the civic area and the University of Colorado, Boulder (CU).

Council asked staff to talk about the framework of the natural gas working group process and discussions.

J. Koehn said it is understandable that natural gas will be in Boulder’s portfolio, but the question is how to transition from where we are today to where we would like to be. The working group created a three-tiered process to look at best practices in the industry. Topics of conversation taking place with the working group have included developing criteria to determine where gas will come from, establishing an air quality control council, adopting regulations as a floor and looking at gas replacement alternatives and how they align with fossil fuel reductions. The intent is to build a transition plan over time that meets the needs of the Boulder community.

Council commended the accomplishments of the Natural Gas Working Group and expressed enthusiasm about the cutting edge conversations taking place.

Council members were supportive of the proposed vision and plans for implementation. Council also expressed excitement over the benefits of working with the community and establishing “energy” connections with others.

Council asked what support and challenges the city faces in working with potential partners, like CU, in developing the utility of the future.

H. Bailey responded that CU owns their energy system and has, so far, remained neutral. She acknowledged the importance of engaging with critical partners like CU and the federal labs; they have great capabilities and knowledge in the energy field and would be ideal partners to explore and develop the utility of the future.

Council asked about the area of focus for the new Energy Services Manager/Lead Strategist position.

D. Driskell responded that the new hire will look at energy rating and reporting, what Boulder has learned about energy ratings, regulatory requirements Boulder may consider, and what opportunities exist for Boulder.

Council praised staff for the integrated efforts of the teams and the great work underway.

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE: Third 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, 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. On May 6, 2014, council reviewed and adopted the proposed changes on second reading. Third reading is necessary because the ordinance was amended on second reading.

STAFF RECOMMENDATION:

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

Motion to adopt on third 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, in the second reading agenda [memorandum](#) and in the [memorandum](#) on continued second reading. 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.

ATTACHMENTS:

Attachment A: Proposed Ordinance No. 7968

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
company, which for funds or stocks is widely held; publicly traded (or available) or widely
18 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
19 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.

1 "Reportable interest" means:

2 (a) In the case of a corporation, either more than 10 percent of the total combined voting
3 power of all classes of stock of the corporation entitled to vote, or more than 10 percent
4 of the capital, profits, or beneficial interest in the voting stock of the corporation;

5 (b) In the case of a partnership, association, trust, or other entity, more than 10 percent of
6 the capital, profits, or beneficial interest in such partnership, association, trust, or other
7 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

1 actively engaged as an officer, director, or partner and the nature of the reporting person
2 candidate's or other household member's interest or activity. A reporting person or
3 other household member is not required to report any financial interest in any business
4 entity in which the reporting person's or other household member's only interest is
5 through an investment in an excepted investment. A charitable donation is not a
6 financial interest;

7 (4e) The location of any real property within Boulder County in which the candidatereporting
8 person or other household member has an interest or, if the reporting person or other
9 household member candidate has a controlling-reportable interest in an entity or
10 enterprise disclosed pursuant to subsection paragraph (b)(3) of this section, in which the
11 controlled-entity or enterprise has any interest and the nature of such interest;

12 (5d) Any other information that the reporting personcandidate feels would be helpful or
13 should be disclosed; and

14 (e6) Notwithstanding any other provision of this chapter, no reporting person or other
15 household member candidate is required to disclose any confidential relationship
16 protected by law.

17 **Section 3.** Section 13-2-4, B.R.C. 1981 is amended to read:

18 **13-2-4 Incumbent's Financial Disclosure Statement. Filing Dates and Disclosure Periods.**

19 ~~On April 15 of each calendar year, each incumbent council member shall file an amended~~
20 ~~statement for the previous calendar year concerning the financial disclosures in Section 13-2-3,~~
21 ~~"Candidate's Financial Disclosure Statement," B.R.C. 1981, with the city manager or notify the~~
22 ~~manager in writing that the council member has no change of financial condition regarding the~~
23 ~~disclosed items since previously filing a disclosure statement.~~

24 (a) On or before September 10, any candidate having filed a petition of nomination shall file a
25 statement of financial disclosure as set forth in section 13-2-3, "Financial Disclosure
26 Statement." B.R.C. 1981. The candidate shall file a supplemental report if there is any
27 material change in the information reported after the date of filing within 15 days after the
28 material change.

29 (b) On or before April 15 of each year, every member of the city council shall file a statement of
30 financial disclosure as set forth in section 13-2-3, "Financial Disclosure Statement." B.R.C.
31 1981. Council members shall report any material changes to the information reported, except
32 information reported pursuant to paragraph 13-2-3(b)(2), within 15 days of the end of the
33 calendar quarter in which the material change occurred.

34 (c) Each Financial Disclosure Statement shall include all information current of the date of filing,
35 except information required by 13-2-3(b)(2) shall be reported as of the end of the previous
36 calendar year.

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Section 4. 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 5. 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 1st day of April, 2014.

Mayor

Attest:

City Clerk

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

Mayor

Attest:

City Clerk

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

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

Mayor

Attest:

City Clerk

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE: Third reading and consideration of a motion to adopt Ordinance No. 7970 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.

PRESENTERS:

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Kathy Haddock, Senior Assistant City Attorney
Mishawn Cook, Tax and License Manager
Beverley Bookout, Police Officer
Dale Goetz, Building Code Compliance Specialist
Dave Thacker, Chief Building Official
David Lowrey, Chief Fire Marshall
Jeff Kessler, Police Sergeant

EXECUTIVE SUMMARY:

On April 16, 2014, Council passed on first reading proposed changes to the medical marijuana and recreational marijuana provisions of the Boulder Revised Code. At second reading on May 20, 2014, Council approved three amendments to the proposed ordinance: (1) For packaging at retail locations, Council eliminated the added language to subsection 6-14-8(t) and 6-16-8(t) that the customer be in the store before the packaging from the sale occurs, (2) in those same subsections, made clear that the transfer could be from any cultivation facility, not just one owned by the retail business, and (3) extended the date for co-location or conversion of existing medical marijuana businesses from May 31, 2014 to December 31, 2014. Council also directed staff to return at a later time with proposals for allowing tours of marijuana facilities by regulators or others responsible for implementing or reporting on marijuana businesses.

The ordinance to amend both codes is included as Attachment A to this memo. The changes made by Council at second reading are in bold. The memorandum for first

reading can be found in the [first reading memorandum](#); and for second reading can be found in the [second reading memorandum](#).

STAFF RECOMMENDATION:

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

Motion to pass on third reading and adopt Ordinance No. 7970, as presented in Attachment A, amending Chapter 6-14, “Medical Marijuana,” B.R.C. 1981, and Chapter 6-16, “Recreational Marijuana,” B.R.C. 1981.

ATTACHMENTS:

Attachment A: Proposed Ordinance No. 7970 (with changes between second and third reading in bold)

ORDINANCE NO. 7970

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.

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

Section 1. Section 6-14-2 "Definitions," B.R.C. 1981, is amended to read:

6-14-2. Definitions.

The following words and phrases used in this chapter have the following meanings unless the context clearly indicates otherwise:

...

"Financier" means any person who lends money or otherwise provides assets to any person applying for a license or who has been issued a license under this chapter. If a financier is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified. "Financier" shall not include a bank, savings and loan association, credit union, or industrial bank supervised and regulated by an agency of the state or federal government.

...

"Mall" means the downtown Boulder Business Improvement District boundaries set forth in Appendix 8-B of Title 8 of this code, including the downtown pedestrian mall established by Ordinance No. 4022, adopted February 18, 1975.

...

"University Hill commercial area" means the area described as the University Hill General Improvement District in Appendix 8-A of Title 8 of this code.

...

1 Section 2. Section 6-14-7, "Locations of Medical Marijuana Businesses," B.R.C. 1981,
2 is amended by the addition of a new paragraph 6-14-7(f)(4) and a new subsection (i) to read:

3 **6-14-7. Locations of Medical Marijuana Businesses.**

4 ...

5 **(b) Location – Permitted Use in Zoning District.** A medical marijuana business license
6 may be issued only if the business qualifies as a use permitted as a matter of right in the
7 zone district where it is proposed to be located as follows:

8 **(1) As "personal services" for a medical marijuana center;**

9 **(2) As "greenhouse/nursery" for a cultivation facility; or**

10 **(3) As "manufacturing ≤15,000 square feet" for a cultivation facility, ~~or~~ for a**
11 **medical marijuana-infused product manufacturer, or for a marijuana testing**
12 **facility.**

13 ...

14 (f) Separation from Schools, Day Care Centers, Addiction Recovery Facilities, or Other
15 Medical Marijuana Uses:

16 ...

17 (4) For purposes of this paragraph, "school," "college," or "university" shall include
18 properties owned by such entities only if they are used to provide services, teaching
19 facilities, or living facilities to students. No distance is required between a marijuana
20 business and properties owned by a "school," "college," or "university" that are not
21 used to provide teaching facilities, living facilities, or services to students.

22 ...

23 (i) Limitations at Street Level. No marijuana business license shall be issued for a medical
24 marijuana center at a location on the street level of the mall or the University Hill
25 commercial area.

26 Section 3. Subsections (p) and (t) of Section 6-14-8, "Requirements Related to Operation
27 of Medical Marijuana Businesses," B.R.C. 1981, are amended, and new paragraph (m)(5) and
28 subsection (u) are added to read:

1
2 **6-14-8. Requirements Related to Operation of Medical Marijuana Businesses.**

3 (m) Delivery Between Medical Marijuana Businesses

4 ...

5 (6) The medical marijuana must be accompanied by the e-mail receipt confirmation from the
6 Boulder Police Department in accordance with the rules therefore established by the police
7 department;

8 (67) When determining and reporting the route to take, licensees should select the most
9 direct route that provides efficiency and safety.

10 ...

11 (p) Advertisement. A medical marijuana business may not advertise in a manner that is
12 inconsistent with the medicinal use of medical marijuana. A medical marijuana business may
13 not advertise in a manner that is misleading, deceptive, false, or is designed to appeal to
14 minors. Advertisement that promotes medical marijuana for recreational or any use other
15 than for medicinal purposes shall be a violation of this code. The following conditions shall
16 apply:

17 (2) Except as otherwise provided in this paragraph, it shall be unlawful for any person
18 licensed under this article or any other person to advertise any medical marijuana or
19 medical marijuana-infused product anywhere in the city where the advertisement is in
20 plain view of or in a place open to the general public, including advertising utilizing any
21 of the following media: any billboard or other outdoor general advertising device as
22 defined by the zoning code; any sign mounted on a vehicle; any hand-held or other
23 portable sign; or any handbill, leaflet, or flier directly handed to any person in a public
24 place, left upon a motor vehicle, or posted upon any public or private property. The
25 prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a medical marijuana center which exists
solely for the purpose of identifying the location of the medical marijuana center and
which otherwise complies with this code and any other applicable city laws and
regulations, which sign includes only the name and address of the center;

...

(t) Packaging at a Medical Marijuana Center. Provided that medical marijuana has been
delivered to a medical marijuana center from ~~an~~ its cultivation facility packaged and labeled as

provided in this chapter, employees at a medical marijuana center may package and label any marijuana that results from the sale of medical marijuana in amounts less than as packaged for delivery to the center. ~~Such packaging may occur only while the customer paying for the marijuana being packaged is in the center.~~

(u) Organization of Cultivation Facilities. All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or an aisle and a wall, and with clear access to all exits, unless the city manager determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

Section 4. Paragraph (a)(29) and subsection (b) of Section 6-14-13, “Prohibited Acts,” B.R.C. 1981, are amended, and a new paragraph (a)(35) is added to read:

6-14-13. Prohibited Acts.

(a) Prohibited Acts. It shall be unlawful for any person to:

...

(29) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

...

(35) Fail to respond by phone or e-mail as required by Subsection 6-14-8(q).

(b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors, or dry mouth, or any other indicators of impairment.

Section 5. Section 6-14-14, “Suspension or Revocation of Licenses; Imposition of Fines,” B.R.C. 1981, is amended to read:

6-14-14. Suspension or Revocation of License; Imposition of Fines.

...

(c) Fines for violations of this chapter may be imposed by the City against the person ~~business~~ or any licensee up to \$5,000.00 per person and any licensee per occurrence.

1 ...

2 Section 6. Section 6-16-2, "Definitions," B.R.C. 1981, is amended to read:

3
4 **6-16-2. Definitions.**

5 The following words and phrases used in this chapter have the following meanings unless the
6 context clearly indicates otherwise:

7 ...

8 "Co-located marijuana business" means a medical marijuana wellness center or
9 cultivation facility that held a license from the city on October 22, 2013, and applied for
10 co-location by ~~May~~December 31, 2014, that is permitted by the owner of the building
11 and all applicable laws, to divide the licensed medical marijuana business to allow for
12 both a medical and a recreational marijuana wellness center or cultivation facility as
13 separate business premises with separate licenses from the city within the same footprint
14 and owned by the same person as the medical marijuana wellness center or cultivation
15 facility. The licensees with an ownership or financial interest of either part of a co-
16 located marijuana business may not be changed to be different from the other.

14 ...

15 "Financier" means any person who lends money or otherwise provides assets to any
16 person applying for a license or who has been issued a license under this chapter. If a
17 financier is an entity rather than an individual, the same disclosure shall be required for
18 each entity with an ownership interest until a managing member that is a natural person is
19 identified. "Financier" shall not include a bank, savings and loan association, credit
20 union, or industrial bank supervised and regulated by an agency of the state or federal
21 government.

20 ...

21 "Mall" means the downtown Boulder ~~business~~Business improvementImprovement
22 ~~district~~District boundaries set forth in Appendix 8-B of Title 8 of this code, including the
23 downtown pedestrian mall established by Ordinance No. 4022 adopted February 18,
24 1975.

23 ...

24 Section 7. Subsections (f), (g) and (h) of Section 6-16-3, "License Required," B.R.C.

25 1981, are amended to read:

1
2 **6-16-3. License Required.**

3 ...

4 (f) Conversion of Licenses to Different Marijuana Business. A license for a marijuana
5 establishment may not be converted to a license for a medical marijuana business. A license
6 for a medical marijuana business that was licensed, open, and operating on October 22, 2013,
7 or that had submitted a complete application for a medical marijuana business on October 22,
8 2013, may be converted to the same type of marijuana establishment by complying with the
9 requirements of this chapter for a renewal of a marijuana license and paying the application
10 fee specified in Section 4-20-67, "Recreational Marijuana Businesses, " B.R.C. 1981, if it
11 makes application for the conversion by ~~May~~December 31, 2014. The license for the
12 medical marijuana business must be surrendered to the city before the recreational marijuana
13 business license will be issued. The term of the license shall be the same as the existing
14 medical marijuana business license.

15 (g) Conversion to a Co-located Marijuana Business Within the Footprint of the Medical
16 Marijuana Business. A licensee of a medical marijuana wellness center or cultivation facility
17 may apply for a co-located marijuana business license byefore ~~May~~December 31, 2014, by
18 submitting an application for a co-located marijuana business on forms approved by the city.
19 At a minimum, the application form shall include a modification of the existing medical
20 marijuana business to conform to the new footprint of the medical marijuana portion of the
21 co-located marijuana business and all components of the application described in Section 6-
22 16-5, "Application, " B.R.C. 1981, determined applicable by the city manager for the
23 recreational marijuana portion of the co-located marijuana business, and paying the
24 modification of premises fee and operating fee specified in Section 4-20-67, "Recreational
25 Marijuana Businesses, " B.R.C. 1981. The license for the medical marijuana business must
be surrendered to the city before the co-located marijuana business license will be issued.
The term of the co-located marijuana business license shall be the same as the existing
medical marijuana business license. For purposes of separation from other marijuana
businesses in Paragraph 6-16-7(e)(2) of this chapter, the co-located medical and recreational
marijuana business shall be considered one marijuana business. No co-located medical and
recreational marijuana business may be sold separately from the other and must maintain
identical ownership at all times.

(h) Conversion to a Co-located Marijuana Business in an Expansion of the Existing Footprint
of the Medical Marijuana Business. A licensee of a medical marijuana wellness center or
cultivation facility may apply for a co-located marijuana business license within a footprint
that is an expansion of its existing medical marijuana business before ~~May 31, 2014,~~ by
submitting an application for modification of the existing medical marijuana business, and an
application for co-location of a medical and recreational business within the modified

1 premises on forms approved by the city by March 1, 2014. At a minimum, the application
 2 shall include (i) the same owners and financiers of the existing medical marijuana businesses,
 3 (ii) the proposed modification of the existing and expanded area of the existing medical
 4 marijuana business to depict the two new businesses separated as required by this code, (iii)
 5 all components of the application described in Section 6-16-5, "Application, " B.R.C. 1981,
 6 determined applicable by the city manager for the recreational marijuana portion of the co-
 7 located marijuana business, and (iv) the modification of premises fee, conversion fee, and
 8 operating fee specified in Section 6-16-5, "Application, " B.R.C. 1981. The license for the
 9 medical marijuana business must be surrendered to the city before the co-located marijuana
 10 business license will be issued. The term of the co-located marijuana business license shall
 11 be the same as the existing medical marijuana business license. For purposes of separation
 12 from other marijuana businesses in Paragraph 6-16-7(e)(2) of this chapter, the co-located
 13 medical and recreational marijuana business shall be considered one marijuana business. No
 14 co-located medical and recreational marijuana business may be sold separately from the other
 15 and must maintain identical ownership at all times.

16 ...

17 Section 8. Subsections (b) and (e) of Section 6-16-7, "Locations of Recreational
 18 Marijuana Businesses," B.R.C. 1981, are amended by the addition of a new paragraph (8) to
 19 read:

20 **6-16-7. Locations of Recreational Marijuana Businesses.**

21 (b) Location – Permitted Use in Zoning District. A recreational marijuana business license
 22 may be issued only if the business qualifies as a use permitted as a matter of right in the zone
 23 district where it is proposed to be located as follows:

24 (1) as "personal service " for a recreational marijuana center;

25 (2) as "greenhouse/nursery " for a recreational marijuana cultivation facility; or

(3) as "manufacturing \geq 15,000 square feet " for a recreational marijuana cultivation
 facility, ~~or~~ for a marijuana-infused product manufacturer, or for a marijuana testing
facility.

...
 (e) Separation From Schools and Other Facilities.

...

(8) For purposes of this paragraph, “school,” “college,” or “university” shall include properties owned by such entities only if they are used to provide services, teaching facilities, or living facilities to students. No distance is required between a marijuana business and properties owned by a “school,” “college,” or “university” that are not used to provide teaching facilities, living facilities, or services to students.

...

Section 9. Subsections (p) and (t) of Section 6-16-8, “Requirements Related to Operation of Recreational Marijuana Businesses,” B.R.C. 1981, are amended to read:

6-16-8. Requirements Related to Operation of Recreational Marijuana Businesses.

...

(p) Advertisement. A recreational marijuana business may not advertise in a manner that is misleading, deceptive, false, or is designed to appeal to minors. The following conditions shall apply:

(1) Except as otherwise provided in this paragraph, it shall be unlawful for any person licensed under this article or any other person to advertise any recreational marijuana or recreational marijuana-infused product anywhere in the city where the advertisement is in plain view of, or in, a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(A) Any sign located on the same zone lot as a recreational marijuana center which exists solely for the purpose of identifying the location of the recreational marijuana center and which otherwise complies with this code and any other applicable city laws and regulations, which sign includes only the name and address of the center;

...

(t) Packaging at a Recreational Marijuana Center. Provided that recreational marijuana has been delivered to a recreational marijuana center from a cultivation facility packaged and labeled as provided in this chapter, employees at a recreational marijuana center may package and label any marijuana that results from the sale of recreational marijuana in amounts less than as packaged for delivery to the center. Such packaging may occur only while the customer paying for the marijuana being packaged is in the center.

1 ...

2 Section 10. Paragraph (a)(1) and (27) and subsection (b) of Section 6-16-13, “Prohibited
3 Acts,” B.R.C. 1981, are amended and a new paragraph (a)(35) is added to read:

4 **6-16-13. Prohibited Acts.**

5 (a) Prohibited Acts. It shall be unlawful for any person to:

6 (1) Cultivate, distribute, ~~possess,~~ produce, smoke, use, or ingest marijuana openly or
7 publicly in a place open to the general public;

8 ...

9
10 (27) Advertise or publish materials, honor coupons, sell or give away products, or display
11 signs that are in violation of this code;

12 ...

(35) Fail to respond by phone or e-mail as required by Subsection 6-16-8(q).

13 (b) Prima Facie Evidence. Prima facie indicia of impairment or being under the influence of
14 marijuana includes bloodshot eyes, watery eyes, eyelid tremors, green particulate on
15 tongue, dilated pupils, mental confusion, slowed responses, rigid muscles, body tremors,
or dry mouth, or any other indicators of impairment.

16 Section 11. Subsection (c) of Section 6-16-14, “Suspension or Revocation of License;
17 Imposition of Fines,” B.R.C. 1981, is amended to read:

18
19 **6-16-14. Suspension or Revocation of License; Imposition of Fines.**

20 ...

21 (c) Civil penalties for violations of this chapter may be imposed by the city against the
22 person~~business~~ or any licensee up to \$5,000 per person and any licensee per occurrence.

23 ...

24 Section 12. This ordinance is necessary to protect the public health, safety, and welfare
25 of the residents of the city, and covers matters of local concern.

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Section 13. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of April, 2014.

Mayor

Attest:

City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of May, 2014.

Mayor

Attest:

City Clerk

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

2 BY TITLE ONLY this 3rd day of June, 2014.

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Mayor

Attest:

City Clerk

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE

Second reading and consideration of a motion to order published by title only, Ordinance 7977 vacating, and authorizing the City Manager to execute two deeds of vacation to vacate, an emergency access easement and a sidewalk easement in association with an approved site review for the Landmark Lofts Phase II multi-family residential development located at 970 28th St.

Applicant: Kris Gardner, Drexel, Barrell & Co.
Property Owner: 970 28TH STREET – PHASE II, LLC

PRESENTER/S

Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning and Sustainability
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner

EXECUTIVE SUMMARY

The applicant is requesting the vacation of a 6.7-foot sidewalk easement and a separate 20 foot emergency access easement at 970 28th Street in response to a Site Review for 150 residential units with 1,700 square feet of neighborhood retail space that was approved by the Planning Board on January 24, 2013 (refer to the materials at the following link: www.bouldercolorado.gov → A to Z → Planning Board → search for past meeting materials planning board → 2014 → 01.24.2013 PB Packet).

The approved rental apartment development includes five interconnected buildings served by a multi-modal transportation and fire lane on the northern portion of the property and the planned right of way for the extension of Euclid Avenue along the south property line.

The subject sidewalk easement was dedicated to the public in 2002 and the subject emergency access easement was dedicated as part of the original Landmark Lofts Phase I (2870 E. College – south east corner of 28th & College) Site Review approval in 2008. Refer to Figure 1 for a

context map. Due to changes made to the Landmark Lofts II (970 28th Street) site design through a Site Review Amendment process in 2013, the previously dedicated easements must be modified slightly to accommodate the new Landmark Lofts II site plan. There is no public need for the easements that are planned to be vacated because separate public access easements have been dedicated to accommodate public and emergency access across the site with the approved Site Review Amendment.

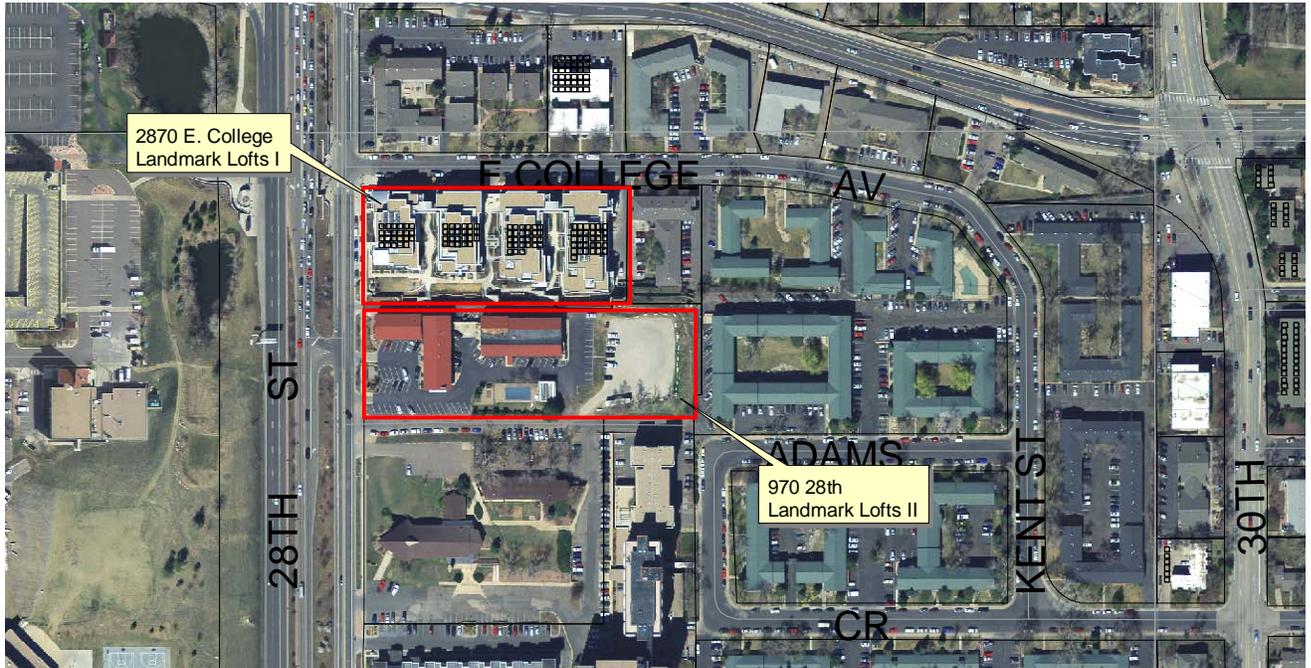


Figure 1: Context Map

On May 20, 2014, City Council approved first reading of the draft ordinance and did not have any questions for staff.

STAFF RECOMMENDATION

Staff finds that the criteria of section 8-6-9, “Vacation of Public Rights-of-Way and Public Access Easements,” B.R.C. 1981 can be met and recommends that the City Council take the following action:

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

Motion to adopt Ordinance 7977 vacating, and authorizing the City Manager to execute two Deeds of Vacation to vacate, an emergency access easement and a sidewalk easement at 970 28th Streets.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: None identified.

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

OTHER IMPACTS

- Fiscal: No impact.
- Staff time: The vacation application has been processed through the provisions of a standard vacation process and is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Notification was sent to the Planning Board on April 28, 2014 in conformance with Section 79 of the Boulder City Charter.

PUBLIC FEEDBACK

All notice requirements of section 9-4-3, “Public Notice Requirements,” B.R.C. 1981 have been met. Public notice of this proposed vacation was sent to property owners within 600 feet of the project on February 21, 2014. Staff has received no comments from the public.

BACKGROUND

The subject property is located east of and adjacent to the 28th Street frontage road and south of East College Avenue in a Residential – High 3 (RH-3) zoning district (a Vicinity Map with zoning is provided in **Attachment A**). The two easements to be vacated are shown in Figure 2 and include a 6.7-foot sidewalk easement to be vacated that runs along the west property line that



Figure 2: Easements to Be Vacated (shown on existing site)

was dedicated in 2002. The emergency access easement runs along the north and east sides of the property and was dedicated in 2008. The easement on the north was required as part of the Landmark Lofts Phase I approval of the project in 2002, which was completed with the planned shared emergency access between the properties. In 2008, the initial Site Review was approved for Landmark Lofts II, however, the original project was never built due to the national economic downturn. A revised site plan was approved in January 2013 through the Site Review amendment process for the 150 student apartment units in five buildings. Refer to Figure 3 that illustrates the relationship between Landmark Lofts Phases I and II and the access easement that is located between the two phases. The vacation of these easements is necessary due to the revised site plan for Landmark Lofts II and to avoid encroachment of buildings into the easement. The access easement, though slightly relocated and rededicated will remain between the two phases of Landmark Lofts.

The new site plan for Landmark Lofts II was approved with a multi-use path connection on the north and east sides of the site, as envisioned in the 28th Street Frontage Road Transportation Connections Plan (TCP). The revised plans for Landmark Lofts II now includes the extension of Euclid Avenue from Adams Circle to 28th Street on the south side of the site also in keeping with the TCP. An excerpt from the TCP is provided in Figure 4. To illustrate the relationship between the existing easements to-be-vacated and the slight variation with the re-dedicated easements from the 2013 Site Plan that still meet the intent of the TCP, refer to Figure 5.

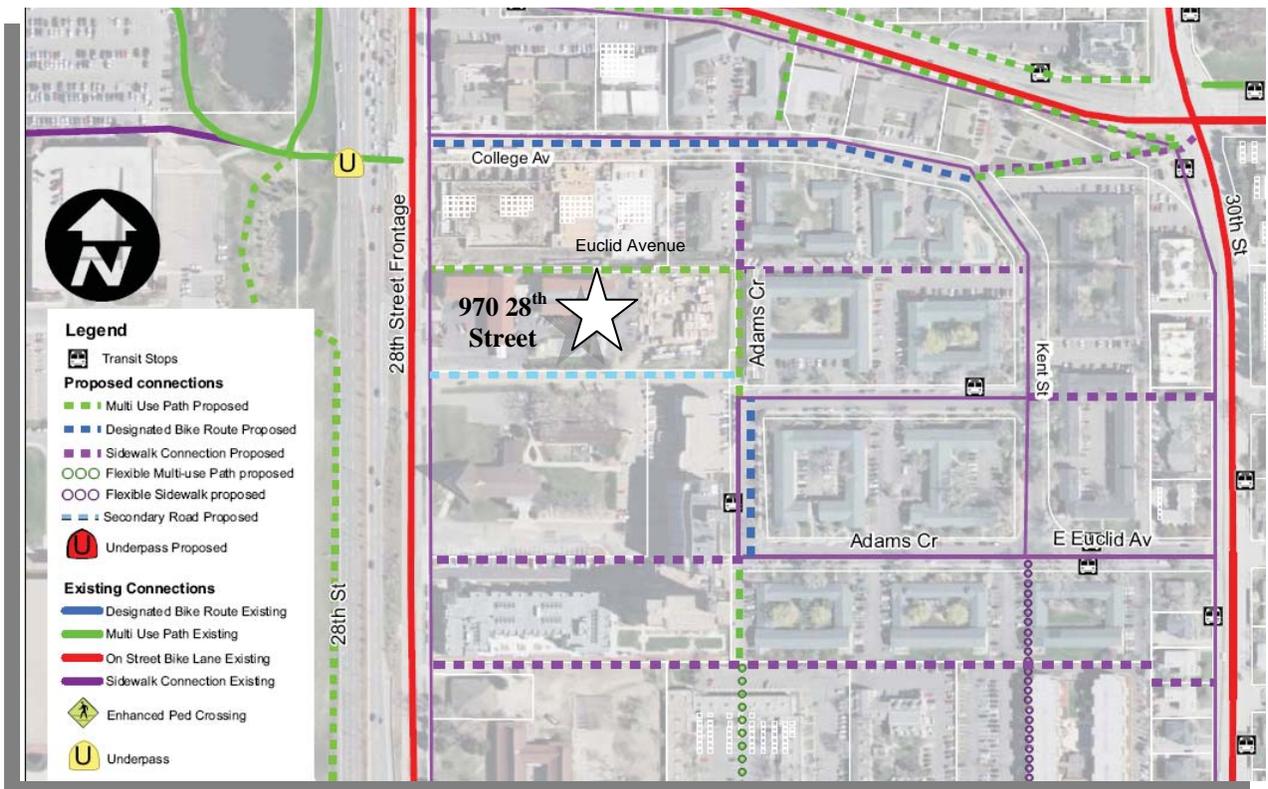
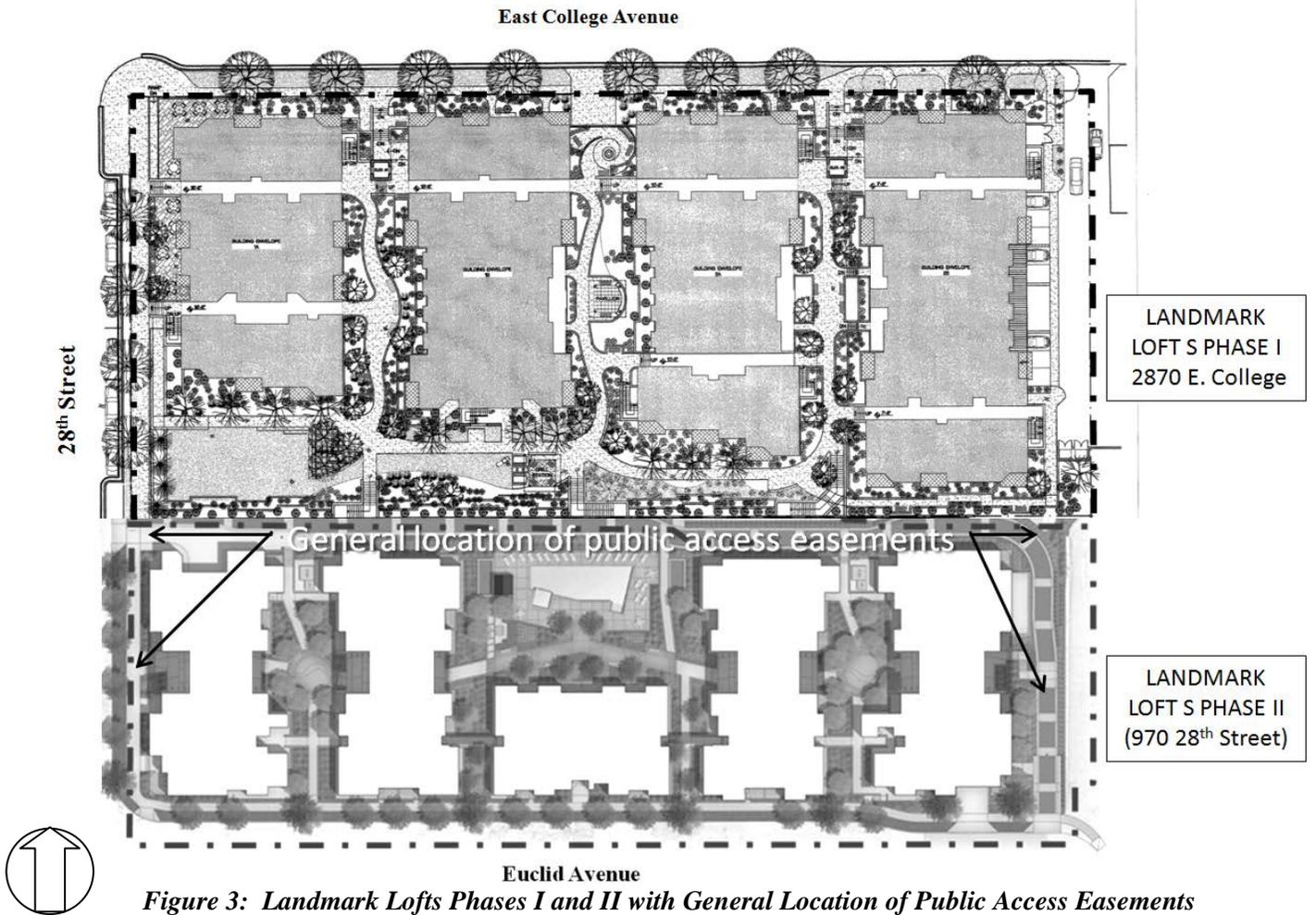
Because new public access and utility easements were dedicated to accommodate the sidewalk connection on 28th Street, there is no longer a public need for the easements. Emergency and pedestrian access will continue to be accommodated on the north and east sides of the property, just in a slightly different configuration. The proposal is considered consistent with the adopted 28th Street Frontage TCP.

ANALYSIS

In order to vacate the existing easements the City Council would have to conclude that the criteria under subsection 8-6-9(c), B.R.C. 1981 are met and approve an ordinance. The subject easements have historically carried vehicular and pedestrian traffic and thus need to be vacated by ordinance. Staff has reviewed this vacation request and has concluded that the criteria can be met as discussed below.

(1) The applicant must demonstrate that the public purpose for which an easement or right-of-way was originally acquired or dedicated is no longer valid or necessary for public use;

The site design was changed since the easements were initially dedicated and the easements were modified to resolve building encroachments. A public access and utility easement was recently re-dedicated along the west and south sides of the property for sidewalk connections, and a modified public access and utility easement was re-dedicated for public access and utilities on the north. For these reasons, the existing easements must be vacated as the improvements proposed with the new development will provide the same public benefit by meeting the adopted 28th Street Frontage Transportation Connections Plan.



Newly dedicated 20-foot public access and utility easement shown in grey overlaid with emergency access easement to be vacated shown in red.

Newly dedicated 6-foot public access and utility easement shown on west side (underneath) the 6.7' easement to be vacated shown in yellow

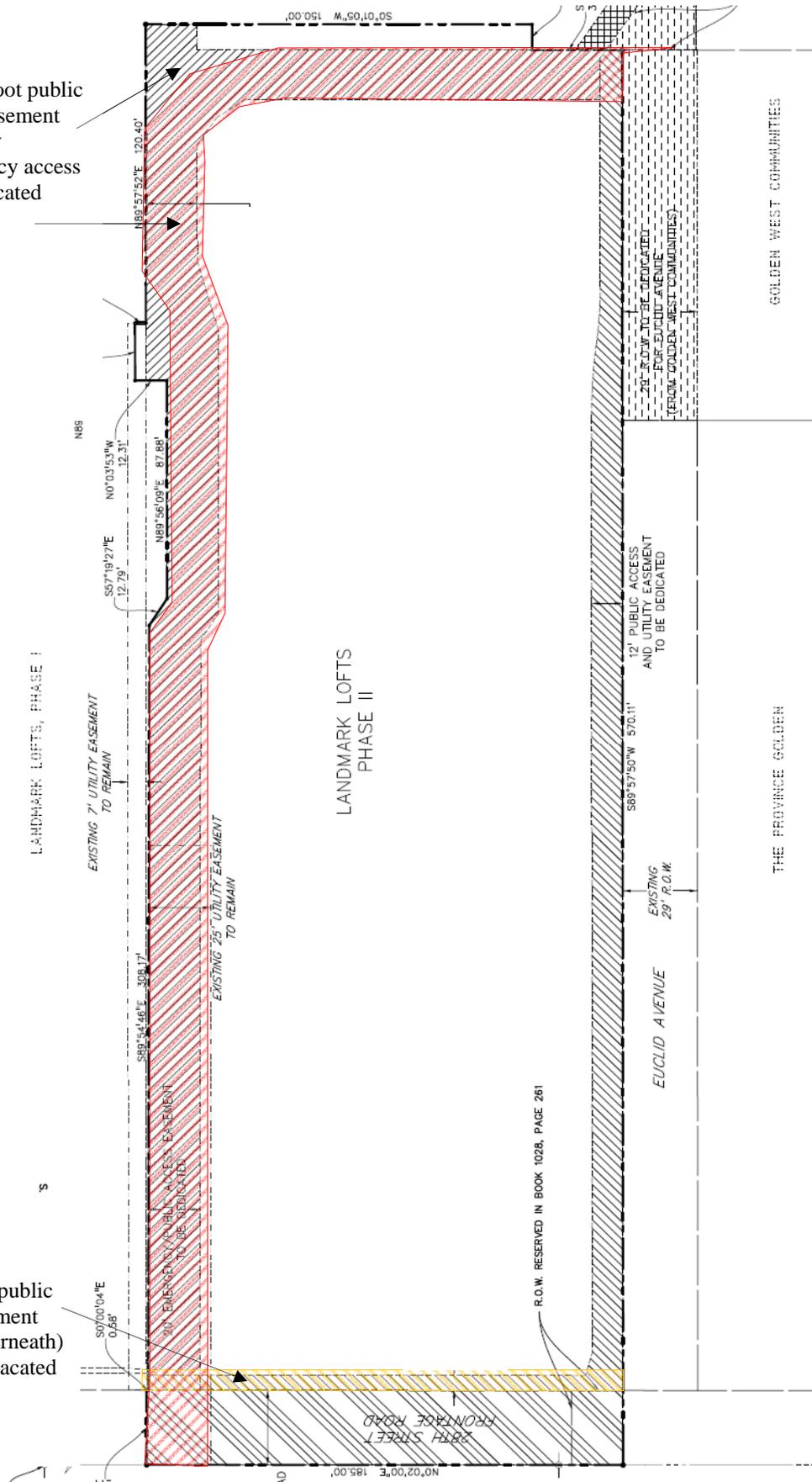


Figure 5: Relationship of the existing to-be-vacated easements and the recently re-dedicated easements

- (2) All agencies and departments having a conceivable interest in the easement or right-of-way must indicate that no need exists, either at present or conceivable in the future, to retain the property as an easement or right-of-way, either for its original purpose or for some other public purpose unless the vacation ordinance retains the needed utility or right-of-way easement;**

The proposed vacations were been evaluated by the Planning, Public Works and Fire Departments and it was collectively concluded that the public entities would have no conceivable future interest in the existing easements. Public access and utility easements were dedicated to cover the sidewalk connection and the emergency access and pedestrian connection. The utility suppliers of CenturyLink, Comcast, and Xcel have also approved the request.

- (3) The applicant must demonstrate, consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations, either:**

- (A) That failure to vacate an existing right-of-way or easement on the property would cause a substantial hardship to the use of the property consistent with the Boulder Valley Comprehensive Plan and the City's land use regulations; or**

Not Applicable.

- (B) That vacation of the easement or right-of-way would actually provide a greater public benefit than retaining the property in its present status.**

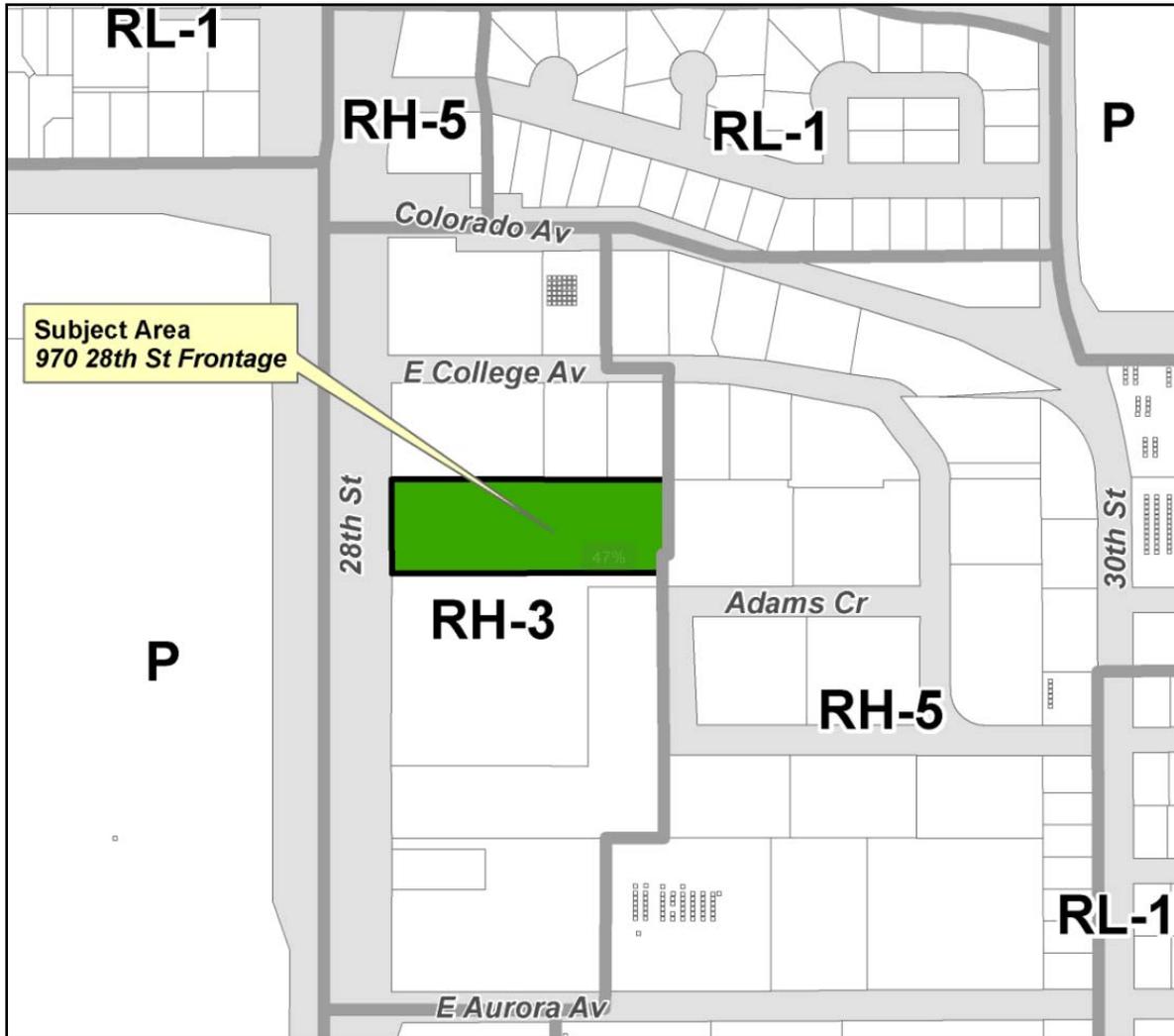
The vacations would result in a greater public benefit by providing for an improved site design for redevelopment. The development proposal furthers connectivity by accommodating future connections as identified in the 28th Street Frontage Road Transportation Connections Plan (TCP). The vacations will accommodate modifications to the building locations. The public purposes for which the easements were dedicated have been protected under separate easement dedications.

ATTACHMENTS:

- Attachment A: Vicinity Map
Attachment B: Ordinance 7977
Attachment C: Deed of Vacation: Emergency Access Easement
Attachment D: Deed of Vacation: Sidewalk Easement

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Attachment A - Vicinity Map with Zoning



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ORDINANCE NO. 7977

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION FOR AN EMERGENCY ACCESS EASEMENT AND A SIDEWALK EASEMENT GENERALLY LOCATED AT 970 28TH STREET AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. 970 28TH STREET – PHASE II, LLC, a Delaware limited liability company, the owner of the property located at 970 28th Street, Boulder, CO, known as Landmark Lofts II, has requested that the city vacate an Emergency Access Easement and a Sidewalk Easement; and

B. The City Council is of the opinion that the requested vacations are in the public interest and that said easements are not necessary for the public use.

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

Section 1. The City Council vacates and authorizes the city manager to execute a deed of vacation for the emergency access easement as dedicated to the City of Boulder in the records of the Boulder County Clerk and Recorder Reception No. 2961042 on the 23rd day of October 2008 and as more particularly described in **Exhibit A**.

Section 2. The City Council vacates and authorizes the city manager to execute a deed of vacation for the sidewalk easement as dedicated to the City of Boulder in the records of the Boulder County Clerk and Recorder Reception No. 2205192 on the 8th day of October 2001 and as more particularly described in **Exhibit B**.

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

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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 20th day of May, 2014.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 3rd day of June, 2014.

Mayor

Attest:

City Clerk



EXHIBIT A

PAGE 1 OF 2

Engineers/Surveyors

Drexel, Barrell & Co.

Boulder
Colorado Springs
Steamboat Springs
Grand Junction

JANUARY 20, 2014

1800 38th Street
Boulder, CO 80301-2620

LEGAL DESCRIPTION

303-442-4338
303-442-4333 Fax

A TRACT OF LAND WITHIN 970 28TH STREET PARCEL, LEACH BABCOCK SUBDIVISION AND 970 28TH STREET PARCEL LOT LINE ADJUSTMENT, LOCATED IN THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND AS DESCRIBED AT RECEPTION NO. 2961042 IN THE BOULDER COUNTY RECORDS.

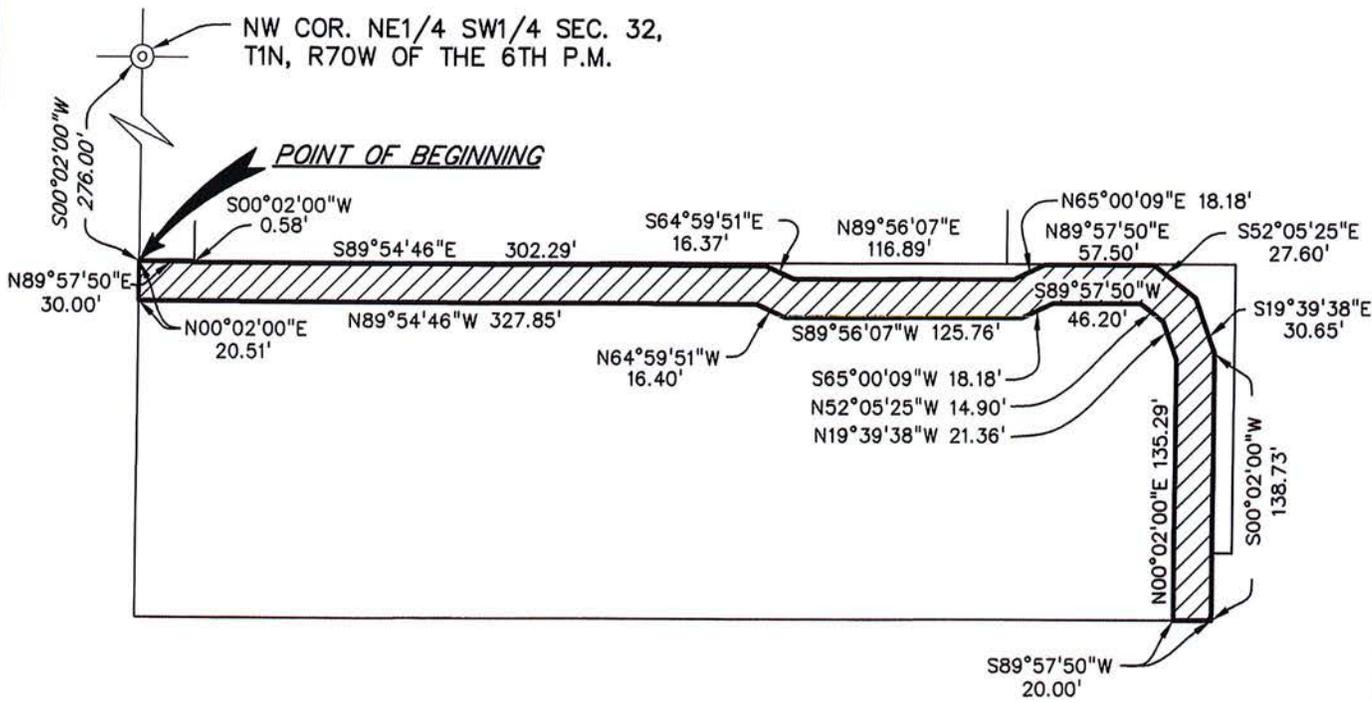
Legal Description Prepared By

Mathew E. Selders
Colorado License No. 27275
1800 38th Street
Boulder, CO 80301
303-442-4338



EXHIBIT A

PAGE 2 OF 2



EASEMENT TO BE VACATED



SCALE 1" = 100'

NOTE

THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY SHOW THE LOCATION OF THE TRACT OF LAND DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION.

EXHIBIT MAP OF AN EMERGENCY ACCESS EASEMENT LOCATED IN THE NE1/4 OF THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0887
 GRAND JUNCTION, COLORADO (970) 267-1350
 STEAMBOAT SPRINGS, COLORADO (970) 879-1623

Revisions - Date	Date	Drawn By	Job No.
	1/20/14	GJM	S0392-6
	Scale	Checked By	Drawing No.
	1"=100'	MES	IN FOLDER

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EXHIBIT B
PAGE 1 OF 2

Engineers, Surveyors

Drexel, Barrell & Co.

Boulder
Colorado Springs
Steamboat Springs
Grand Junction

JANUARY 20, 2014

1800 38th Street
Boulder CO 80301-2620

LEGAL DESCRIPTION

303-442-4338
303-442-4338 Fax

A TRACT OF LAND WITHIN 970 28TH STREET PARCEL, LEACH BABCOCK SUBDIVISION AND 970 28TH STREET PARCEL LOT LINE ADJUSTMENT, LOCATED IN THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND AS DESCRIBED AT RECEPTION NO. 2205192 IN THE BOULDER COUNTY RECORDS LYING WITHIN SAID 970 28TH STREET PARCEL.

Legal Description Prepared By

Mathew E. Selders
Colorado License No. 27275
1800 38th Street
Boulder, CO 80301
303-442-4338



EXHIBIT B

PAGE 2 OF 2

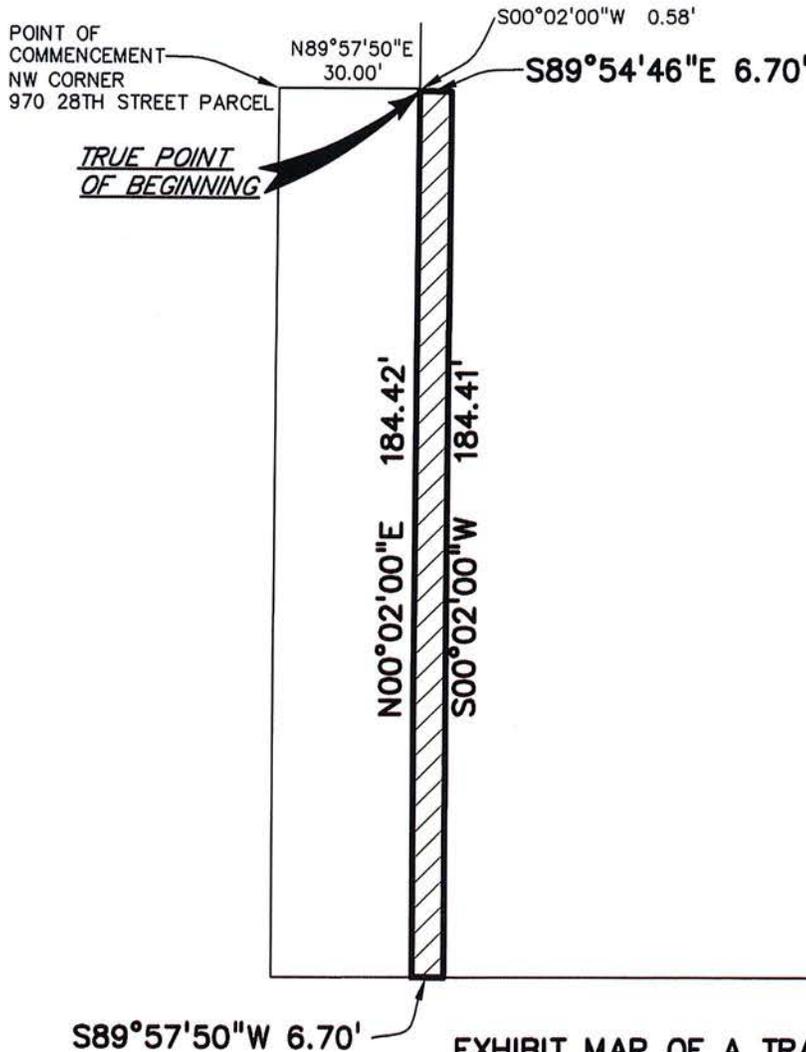


EXHIBIT MAP OF A TRACT OF LAND WITHIN 970 28TH STREET PARCEL, LEACH BABCOCK SUBDIVISION AND 970 28TH STREET PARCEL LOT LINE ADJUSTMENT, LOCATED IN THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.



EASEMENT TO BE VACATED



SCALE 1" = 40'

NOTE

THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY SHOW THE LOCATION OF THE TRACT OF LAND DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU **MUST** COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0887
 GRAND JUNCTION, COLORADO (970) 267-1350
 STEAMBOAT SPRINGS, COLORADO (970) 878-1623



Revisions - Date	Date	Drawn By	Job No.
	1/20/14	VJD	0392-6
	Scale	Checked By	Drawing No.
	1" = 40'	MES	IN FOLDER

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Attachment C - Deed of Vacation: Emergency Access Easement

For Administrative Purposes Only
Address: 970 28th St (ER Access Esmt)
Case No. LUR2014-00014

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., an emergency access easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 2961042 on the 23rd day of October, 2008, located at 970 28th Street and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 970 28th Street shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement, including, but not limited to, the Public Access and Utility Easement recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03376706 on April 24, 2014.

Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. _____, adopted by 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:

City Attorney's Office

Date

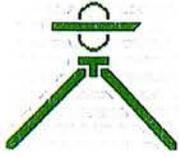


EXHIBIT A

PAGE 1 OF 2

Engineers/Surveyors

Drexel, Barrell & Co.

Boulder
Colorado Springs
Steamboat Springs
Grand Junction

JANUARY 20, 2014

1800 38th Street
Boulder, CO 80301-2620

LEGAL DESCRIPTION

303-442-4338
303-442-4333 Fax

A TRACT OF LAND WITHIN 970 28TH STREET PARCEL, LEACH BABCOCK SUBDIVISION AND 970 28TH STREET PARCEL LOT LINE ADJUSTMENT, LOCATED IN THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND AS DESCRIBED AT RECEPTION NO. 2961042 IN THE BOULDER COUNTY RECORDS.

Legal Description Prepared By

Mathew E. Selders
Colorado License No. 27275
1800 38th Street
Boulder, CO 80301
303-442-4338

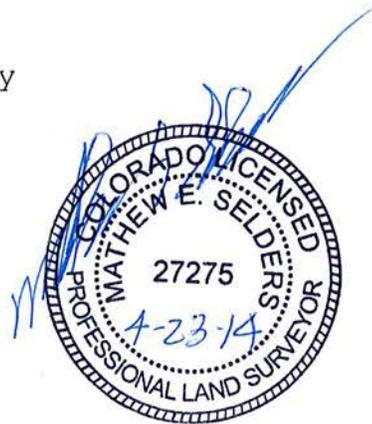
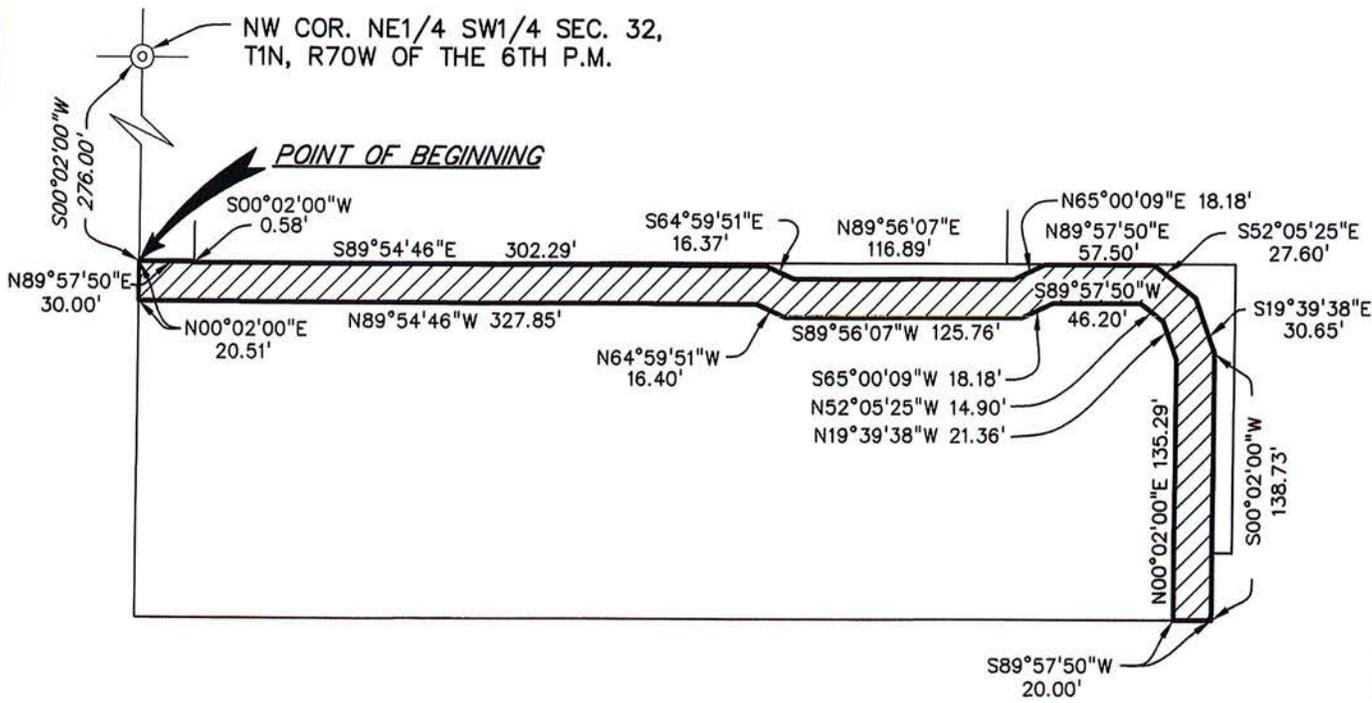


EXHIBIT A

PAGE 2 OF 2



EASEMENT TO BE VACATED



SCALE 1" = 100'

NOTE

THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY SHOW THE LOCATION OF THE TRACT OF LAND DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION.

EXHIBIT MAP OF AN EMERGENCY ACCESS EASEMENT LOCATED IN THE NE1/4 OF THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

IN ACCORDANCE WITH CRS 13-80-105;
NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 260-0887
 GRAND JUNCTION, COLORADO (970) 267-1350
 STEAMBOAT SPRINGS, COLORADO (970) 879-1623

Revisions - Date	Date	Drawn By	Job No.
	1/20/14	GJM	S0392-6
	Scale	Checked By	Drawing No.
	1"=100'	MES	IN FOLDER

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Attachment D - Deed of Vacation: Sidewalk Easement

For Administrative Purposes Only
Address: 970 28th St (Sidewalk Esmt)
Case No. LUR2014-00014

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner(s) of the subservient land, in the manner prescribed by Section 43-2-302, C.R.S., a sidewalk easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 2205192 on the 8th day of October, 2001, located at 970 28th Street and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 970 28th Street shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this _____ day of _____, 20__, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. _____, adopted by 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:

City Attorney's Office

Date



EXHIBIT A

PAGE 1 OF 2

Engineers, Surveyors

Drexel, Barrell & Co.

Boulder
Colorado Springs
Steamboat Springs
Grand Junction

JANUARY 20, 2014

1800 38th Street
Boulder CO 80301-2620

LEGAL DESCRIPTION

303-442-4338
303-442-4338 Fax

A TRACT OF LAND WITHIN 970 28TH STREET PARCEL, LEACH BABCOCK SUBDIVISION AND 970 28TH STREET PARCEL LOT LINE ADJUSTMENT, LOCATED IN THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND AS DESCRIBED AT RECEPTION NO. 2205192 IN THE BOULDER COUNTY RECORDS LYING WITHIN SAID 970 28TH STREET PARCEL.

Legal Description Prepared By

Mathew E. Selders
Colorado License No. 27275
1800 38th Street
Boulder, CO 80301
303-442-4338



EXHIBIT A

PAGE 2 OF 2

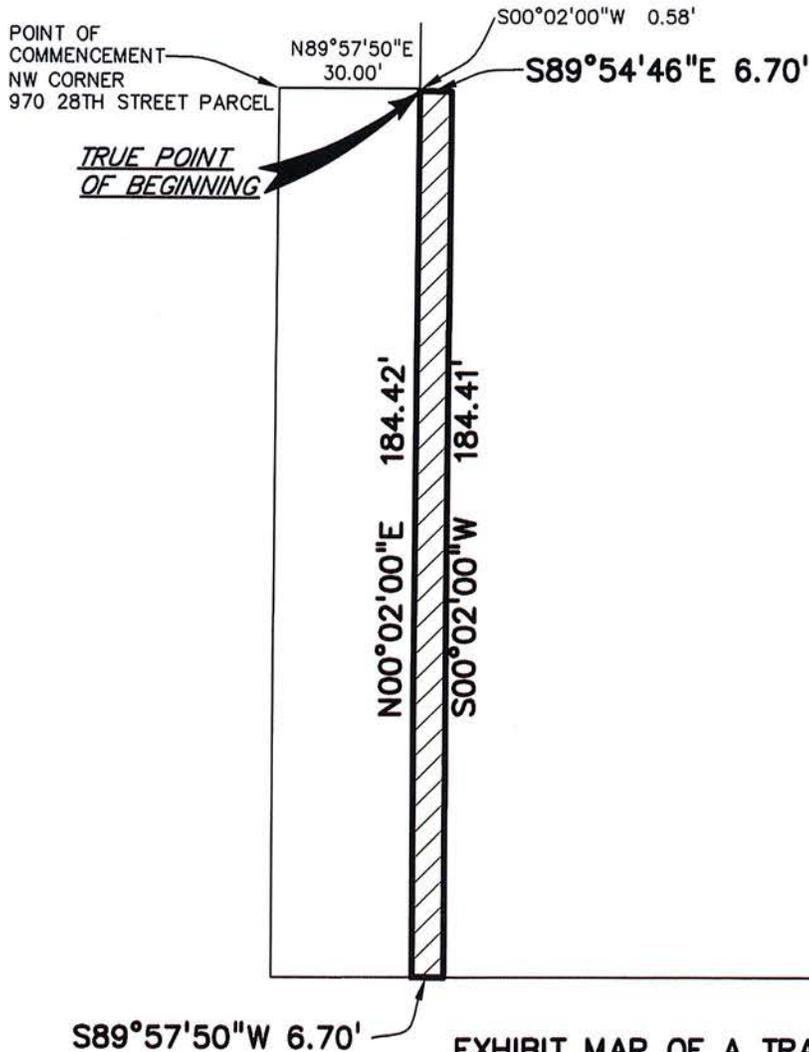


EXHIBIT MAP OF A TRACT OF LAND WITHIN 970 28TH STREET PARCEL, LEACH BABCOCK SUBDIVISION AND 970 28TH STREET PARCEL LOT LINE ADJUSTMENT, LOCATED IN THE SW1/4 OF SECTION 32, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.



EASEMENT TO BE VACATED



SCALE 1" = 40'

NOTE

THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY SHOW THE LOCATION OF THE TRACT OF LAND DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION.

IN ACCORDANCE WITH CRS 13-80-105;
 NOTICE: ACCORDING TO COLORADO LAW YOU **MUST** COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

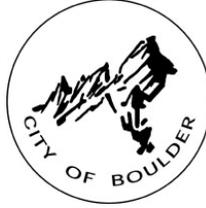
Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338

COLORADO SPRINGS, COLORADO (719) 260-0887
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 STEAMBOAT SPRINGS, COLORADO (970) 878-1623

Revisions - Date	Date	Drawn By	Job No.
	1/20/14	VJD	0392-6
	Scale	Checked By	Drawing No.
	1" = 40'	MES	IN FOLDER

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE:

Introduction, first reading and consideration of a motion to order published by title only, an ordinance designating the building and property at 2104 Bluff St., to be known as the Kelso House, as an individual landmark under the city's Historic Preservation Ordinance.

Owner/Applicant: Chad and Kristen Watson

PRESENTERS:

Jane S. Brautigam, City Manager

David Driskell, Executive Director of Community Planning & Sustainability

Lesli Ellis, Comprehensive Planning Manager

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY:

The purpose of this item is to allow the City Council to determine whether the proposed individual landmark designation of the building at 2104 Bluff St. meets the purposes and standards of the Historic Preservation Ordinance (*Sections 9-11-1 and 9-11-2, B.R.C. 1981*). The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would designate the building as an individual landmark. The findings are included in the ordinance. The landmark designation application was submitted by the property owner on February 27, 2014, and was heard by the Landmarks Board on May 7, 2017. The board voted 5-0 to recommend the designation to the City Council. The second reading for this designation will be a quasi-judicial public hearing.

BACKGROUND:

On February 27, 2014, the city received an application from Chad and Kristen Watson for individual landmark designation of the property at 2104 Bluff St. A demolition permit application was initially submitted for the project, as a street-facing wall was proposed for removal. After discussions with the owner and architect, the demolition permit application was withdrawn and applications for landmark designation and a Landmark Alteration Certificate (LAC) were submitted. On March 12, 2014, the applicant received an LAC for the construction of a rear addition. Historic Boulder, Inc. holds a historic preservation easement on the property; a legal agreement that specifies all changes to the property must be reviewed and approved by that organization.

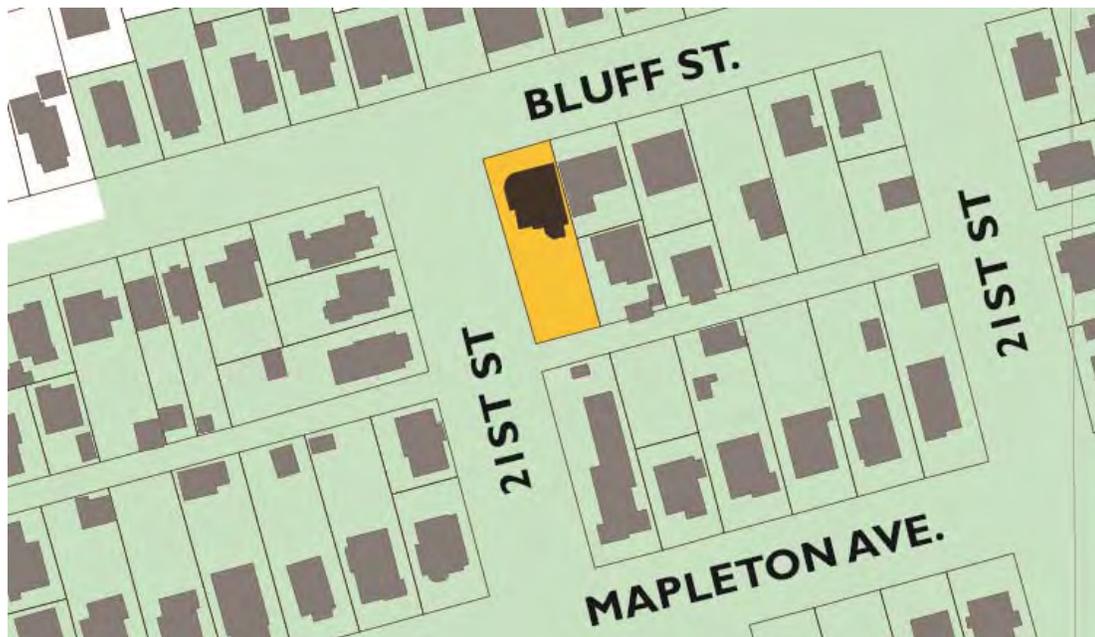


Figure 1. Location Map, 2104 Bluff St.

PROPERTY DESCRIPTION:

The property at 2104 Bluff St. is located on the northwest corner of 21st St. and Bluff St. An alley runs along the north edge of the property. It is located within the boundaries of the potential Walnut Street Historic District which was identified as potentially eligible for designation in 1988.



*Figure 2: 2104 Bluff St., North Façade, Tax Assessor Card photograph c.1949.
Photograph Courtesy the Carnegie Branch Library for Local History.*

The one-and-one-half story building was built in 1903 and is an excellent example of Edwardian vernacular house design in Boulder. The frame and masonry building has a varied roofline, with flared gable and hipped roof dormers. The building's tall, center gable flares out into the semi-circular, wrap-around porch, which is supported by paired and single columns that rest upon paneled newel posts. Each gable end has a window with an architrave surround, and a second story balcony with simple supports is located on the north façade. The first-floor windows have segmental arches and stone sills, and the gabled ends are clad in painted wooden shingles. The original portion of the house remains largely intact, with no significant alterations. A rear addition, constructed in 1994, closely reflects the design of the original house.

The 1987 Historic Building Inventory Form indicates that the building may be eligible for listing on the National Register of Historic Places and that it possesses high artistic value. *See Attachment B: 1987 Historic Building Inventory Form.*



Figure 3: North elevation, 2104 Bluff St., 2014.



Figure 4: Northwest corner, 2104 Bluff St., 2014.



Figure 5: West elevation, 2104 Bluff St., 2014.



Figure 6: Southwest corner, view of rear addition, 2104 Bluff St., 2014.

In March 2014, the applicant received a Landmark Alteration Certificate to remove a c.1980s addition and construct a new addition at the rear of the house



Figure 7: Proposed West Elevation, Landmark Alteration Certificate plans, 2014.

The house has had a number of owners over the past 109 years. In 1903, Helen Smith sold the lot to Fernando Neptune and a year later the address first appeared in city directories. Rev. Neptune lived here with his wife Mary and their son Robert. Rev. Neptune was a Methodist minister. By 1913 he and his wife had moved to San Diego, CA.



Figure 9: Rev. Fernando Neptune and his wife, Mary and son, Robert. Date unknown.

From 1911 until 1933, the house was owned by Lucy Hobson. Mrs. Hobson was born in 1846 in Ohio and was married to James H. Hobson (occupation unknown). Mrs. Hobson lived at 2104 Bluff St. with her daughter, Lola, and son-in-law, Leslie Kelso, two granddaughters, and Gladys Erickson, a live in maid who was born in Montana to Swedish parents.



Leslie B. Kelso,
c.1920

Leslie B. Kelso was born in 1885 and moved to Boulder from St. Joseph, Missouri with his parents, Lewis and Rebecca Kelso, in 1902. He attended the State Preparatory School in Boulder, and married Lola Ferona Hobson, an English instructor at the Preparatory School (later Boulder High School), in 1912. Active with several local fraternal orders, Kelso was chancellor commander of the Boulder Lodge of the Knights of Pythias.

Kelso worked as a mortician with the J. G. Trezise Undertaking Company from 1902 to 1918. He served as deputy county coroner under his employer John G. Trezise from about 1910 until 1912 when he was elected as Democratic coroner to succeed Trezise. Kelso took office in 1913, beginning a popular tenure as Boulder county coroner. In 1919, Kelso opened his own funeral parlor after nearly seventeen years with the Trezise establishment. Kelso's funeral parlor was located in the Odd Fellows' building at the corner of Sixteenth and Pearl Streets in Boulder, on the site previously occupied by the A. E. Howe mortuary.

The Boulder Daily Camera reported on April 29, 1945 that he sold his interest in the Kelso-Allardice Mortuary to his partner, John F. Allardice after 43 years in the mortuary business. Kelso and died in 1968, the same year he and his wife returned to Boulder after moving to Bradenton, Florida in 1947.

After Lucy Hobson died, the property passed to Lola Kelso, who sold it a year later. The property was purchased and sold frequently in the 1930s and early 1940s, until Earl Bluebaugh purchased the property in 1943 and owned it until 1984.

Earl Bluebaugh and his wife, Sophia, lived at 2104 Bluff St. from 1943 until 1984. In 1917, the Bluebaughs were married in Ft. Morgan, where Earl worked as a farm manager and they moved to Boulder in 1936. The Bluebaughs had six sons, Charles, Earl, Jr., Edward, Harold, Victor and Robert, and one daughter, Betty Lou. Earl and his wife owned and operated the Colorado Dairy from 1925 until 1946, when they sold it to Meadow Gold. From 1947 until 1957, they operated Bungalow Grocery, located at 10th and Aurora. Earl then began working at the Boulder-Denver Turnpike as a toll collector. Mr. and Mrs. Bluebaugh belonged to the First Presbyterian Church. Earl also belonged to the Boulder Elks Lodge No. 566 and his church's Senior Club. Mrs. Bluebaugh was a member of Royal Neighbors.

In 1984, Historic Boulder, Inc. purchased and restored the property as part of a hands-on workshop called Renovate Our Architectural Resources (R.O.A.R.) The project was given widespread publicity and received an award from the National Trust for Historic Preservation. When the house subsequently went up for bid, it was purchased by two workshop participants, William and Ann Coburn. Historic Boulder, Inc. continues to hold a façade easement on the property; all exterior changes must be reviewed and approved by the organization.

The current owners purchased the property in 2011.

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 designating the building at 2104 Bluff St., to be known as the Kelso House, as an individual landmark under the City of Boulder’s Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

Economic: Owners of locally designated landmarked properties are eligible for state and local tax credits for approved rehabilitation and repair, and studies have found that historic preservation adds to economic vitality and tourism. Exterior changes to individually landmarked buildings require a Landmark Alteration Certificate, issued by the Community Planning and Sustainability Department at no charge. The additional review process for landmarked buildings may, however, add time and design expense to a project.

Environmental: The preservation of historic buildings is inherently sustainable. Owners of individually landmarked buildings are encouraged to reuse and repair as much of the original building as possible when making exterior alterations, thereby reducing the amount of building material waste deposited in landfills. City staff can assist architects, contractors and homeowners with design and material selections and sources that are environmentally friendly. Also, the Historic Preservation website provides information on improving the energy efficiency of older buildings.

Social: The Historic Preservation Ordinance was adopted to “...enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city’s living heritage.” Section 9-11-1 (a), B.R.C., 1981. The primary beneficiaries of historic designation are the property owners of a historic landmark and adjacent neighbors, who are ensured that the character of the immediate area will be protected through the design review process. The greater community also benefits from the preservation of the community’s character and history.

OTHER IMPACTS:

Fiscal: The designation of individual historic landmarks is an anticipated and ongoing function of the Historic Preservation Program.

Staff Time: This designation application is within the staff work plan.

LANDMARKS BOARD ACTION:

On May 7, 2014 the Landmarks Board voted 5-0 to recommend to City Council that the building at 2104 Bluff Street be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

ANALYSIS:

Criteria for Review

Section 9-11-6(b), B.R.C. 1981, specifies that during the review for an application for local landmark designation, the council must consider “whether the designation meets the purposes and standards in subsection 9-11-1(a) and section 9-11-2, “*City Council May Designate or Amend Landmarks and Historic Districts,*” B.R.C. 1981, in balance with the goals and policies of the Boulder Valley Comprehensive Plan” and provides that the City Council “shall approve by ordinance, modify and approve by ordinance, or disapprove the proposed designation.”

Historic, Architectural, and Environmental Significance

Staff finds that the proposed application to landmark 2104 Bluff St. will protect, enhance, and perpetuate a property reminiscent of a past era important in local history and preserve an important example of Boulder’s historic architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORICAL SIGNIFICANCE:

Summary: The house at 2104 Bluff St. is believed to have historic significance under criteria 1, 2, and 4.

1. Date of Construction: 1903

Elaboration: The house first appears in the city directories in 1903, shortly after the property was purchased by Rev. Fernando Neptune.

2. Association with Persons or Events: Leslie Kelso

Elaboration: Leslie Kelso was born in 1885 in St. Louis, MO. He came to Boulder, CO in 1902 and married Lola Hobson in 1912. Kelso worked as a mortician with the J.G. Trezise Undertaking Company from 1902 to 1918. He served as deputy county coroner under his employer John G. Trezise from about 1910 until 1912 when he was elected as Democratic coroner to succeed Trezise. Kelso took office in 1913, beginning a popular tenure as Boulder county coroner. In 1919, Kelso opened his own funeral parlor after nearly seventeen years with the Trezise establishment. Kelso’s funeral parlor was located in the Odd Fellow’s building at the corner of 16th and Pearl Streets and operated until 1945. He retired after 43 years in the mortuary business. He died in 1968 in Boulder.

3. Development of the Community: None observed

4. Recognition by Authorities: The 1987 Historic Building Inventory Form found the house to be an excellent example of an Edwardian cottage, a visual landmark, and an important addition to the architectural diversity of the Whittier neighborhood. The survey indicates that the building may be eligible for listing on the National Register of Historic Places and that it possesses high artistic value.

ARCHITECTURAL SIGNIFICANCE:

Summary: The house at 2104 Bluff St. is believed to have architectural significance under criteria 1 and 3.

1. **Recognized Period or Style:** Edwardian Cottage
Elaboration: The house is an excellent example of an Edwardian Cottage. The building's varied roofline and wall surfaces, wrap-around porch, and original porch detail, make it a visual landmark in the neighborhood. According to the *Guide to Colorado's Historic Architecture and Engineering*, the Edwardian form is similar to the Queen Anne style in form and massing but lacking in ornamentation. Edwardian building feature multi-gabled roofs, asymmetrical massing, simple surfaces, and occasionally wrap-around porches and classical detailing. The house at 2104 Bluff St. exhibits all of these elements, including a wrap-around porch, asymmetrical massing, multi-gabled roof and classical detailing.
2. **Architect or Builder of Prominence:** None observed
3. **Artistic Merit:** High Artistic Value
Elaboration: The house exhibits high artistic value, evidenced through its fine classical detailing and a skillful integration of design, material and color with is of excellent visual quality
4. **Example of the Uncommon:** None observed
5. **Indigenous Qualities:** None observed

ENVIRONMENTAL SIGNIFICANCE:

Summary: The house at 2104 Bluff St. has environmental significance under criterion 3 and 5.

1. **Site Characteristics:** Situated in close proximity to east Pearl Street, this lot features mature trees and vegetation.
2. **Compatibility with Site:** None observed
3. **Geographic Importance:** The house is located on prominent corner at 21st and Bluff Streets and is located within the potential Whittier Historic District.
4. **Environmental Appropriateness:** None observed
5. **Area Integrity:** The property is located in the potential Whittier Historic District, which retains its residential historic character.

OPTIONS:

City Council may approve, modify or not approve the first reading ordinance.

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

- A: Ordinance No. _____
- B: Sections 9-11-1 and 9-11-2, "*Purposes and Intent*," B.R.C., 1981
- C: Significance Criteria for individual landmarks

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ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 2104 BLUFF STREET, CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE KELSO HOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section 1. The council enacts this ordinance pursuant to its authority under Chapter 9-11, "Historic Preservation," B.R.C. 1981, to designate as a landmark a property having a special character or special historic, architectural, or aesthetic interest or value.

Section 2. The council finds that: 1) on or about February 27, 2014, property owner Chad Watson applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on May 7, 2014; and 3) on May 7, 2014, the board recommended that the council approve the proposed designation.

Section 3. The council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on June 3, 2014 and upon the basis of the presentations at that hearing finds that the building and the property at 2104 Bluff Street does possess a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in 1903, its association with Leslie Kelso, and its recognition as a example of an Edwardian cottage 2) its architectural significance

1 indicative of the Edwardian Cottage style, evidenced in its varied roof line, wrap-around porch
2 and classical detailing, and its high artistic value through a skillful integration of design, material
3 and color; and 3) its environmental significance for its geographic importance as a prominent
4 visual landmark within the potential Whittier Historic District, which retains its residential
5 historic character.

6 Section 5. The council further finds that the foregoing landmark designation is necessary
7 to promote the public health, safety, and welfare of the residents of the city.

8 Section 6. There is hereby created as a landmark the building and property located at
9 2104 Bluff Street, also known as the Kelso House, whose legal landmark boundary is identical to
10 the boundary of the legal lots upon which it sits:

11 LOT 6 BLK 182 BOULDER EAST, BOULDER COUNTY, COLORADO

12 as depicted in the proposed landmark boundary map, attached hereto as Exhibit A.

13 Section 7. The council directs that the department of Community Planning and
14 Sustainability give prompt notice of this designation to the property owner and cause a copy of
15 this ordinance to be recorded as described in Subsection 9-11-6(d), B.R.C. 1981.

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

19
20 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
21 ONLY THIS 3RD DAY OF JUNE 2014.

22
23 _____
24 Mayor

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Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
TITLE ONLY THIS 17TH DAY OF JUNE, 2014.

Mayor

Attest:

City Clerk

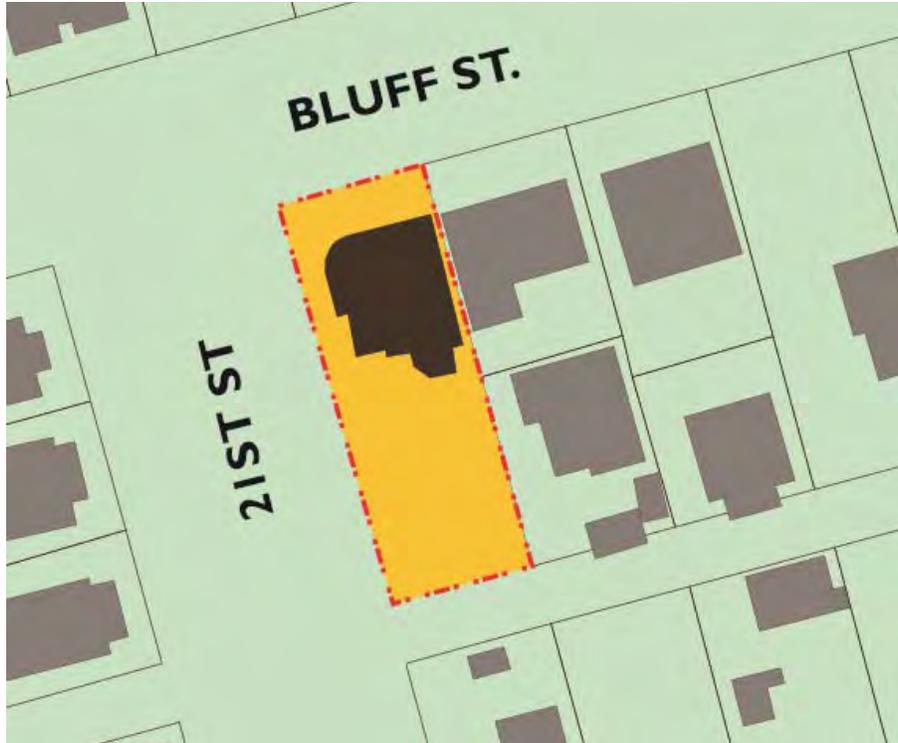


Exhibit A – Landmark Boundary Map for 2104 Bluff St.

LOT 6 BLK 182 BOULDER EAST, BOULDER COUNTY, COLORADO

**9-11-1 & 9-11-2 Purposes and Intent
Boulder Revised Code, 1981**

9-11-1: *Purpose and Legislative Intent* states:

- (a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.
- (b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.
- (c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

9-11-2: *City Council may Designate or Amend Landmarks and Historic Districts* states:

- (a) Pursuant to the procedures in this chapter the City Council may by ordinance:
 - (1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;
 - (2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;
 - (3) Designate as a discontinuous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and
 - (4) Amend designations to add features or property to or from the site or district.
- (b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

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SIGNIFICANCE CRITERIA

Individual Landmark

September 1975

On September 6, 1975, the City Council adopted Ordinance #4000 providing procedures for the designation of Landmarks and Historic Districts in the City of Boulder. The purpose of the ordinance is the preservation of the City's permitted cultural, historic, and architectural heritage. The Landmarks Board is permitted by the ordinance to adopt rules and regulations as it deems necessary for its own organization and procedures. The following Significance Criteria have been adopted by the board to help evaluate each potential designation in a consistent and equitable manner.

Historic Significance

The place (building, site, area) should show character, interest or value as part of the development, heritage, or cultural characteristics of the community, state or nation; be the site of a historic, or prehistoric event that had an effect upon society; or exemplify the cultural, political, economic, or social heritage of the community.

Date of Construction: This area of consideration places particular importance on the age of the structure.

Association with Historical Persons or Events: This association could be national, state, or local.

Distinction in the Development of the Community of Boulder: This is most applicable to an institution (religious, educational, civic, etc) or business structure, though in some cases residences might qualify. It stresses the importance of preserving those places which demonstrate the growth during different time spans in the history of Boulder, in order to maintain an awareness of our cultural, economic, social or political heritage.

Recognition by Authorities: If it is recognized by Historic Boulder, Inc. the Boulder Historical Society, local historians (Barker, Crossen, Frink, Gladden, Paddock, Schooland, etc), State Historical Society, The Improvement of Boulder, Colorado by F.L. Olmsted, or others in published form as having historic interest and value.

Other, if applicable.

Architectural Significance

The place should embody those distinguishing characteristics of an architectural type specimen, a good example of the common; be the work of an architect or master builder, known nationally, state-wide, or locally, and perhaps whose work has influenced later development; contain elements of architectural design, detail, materials or craftsmanship which represent a significant innovation; or be a fine example of the uncommon.

Recognized Period/Style: It should exemplify specific elements of an architectural period/style, i.e.: Victorian, Revival styles, such as described by *Historic American Building Survey Criteria*, Gingerbread Age (Maass), 76 Boulder Homes (Barkar), The History of Architectural Style (Marcus/Wiffin), Architecture in San Francisco (Gebhard et al), History of Architecture (Fletcher), Architecture/Colorado, and any other published source of universal or local analysis of a style.

Architect or Builder of Prominence: A good example of the work of an architect or builder who is recognized for expertise in his field nationally, state-wide, or locally.

Artistic Merit: A skillful integration of design, material, and color which is of excellent visual quality and/or demonstrates superior craftsmanship.

Example of the Uncommon: Elements of architectural design, details, or craftsmanship that are representative of a significant innovation.

Indigenous Qualities: A style or material that is particularly associated with the Boulder area.

Other, if applicable.

Environmental Significance

The place should enhance the variety, interest, and sense of identity of the community by the protection of the unique natural and man-made environment.

Site Characteristics: It should be of high quality in terms of planned or natural vegetation.

Compatibility with Site: Consideration will be given to scale, massing placement, or other qualities of design with respect to its site.

Geographic Importance: Due to its unique location or singular physical characteristics, it represents an established and familiar visual feature of the community.

Environmental Appropriateness: The surroundings are complementary and/or it is situated in a manner particularly suited to its function.

Area Integrity: Places which provide historical, architectural, or environmental importance and continuity of an existing condition, although taken singularly or out of context might not qualify under other criteria.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE

Second reading and consideration of a motion to adopt Ordinance No. 7972 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.

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.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt Ordinance No. 7972 approving supplemental appropriations to the 2014 Budget.

Consideration of a motion to adjourn from the Boulder City Council and convene as the Central Area General Improvement District (CAGID) Board of Directors.

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

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).

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.

PUBLIC AND COUNCIL FEEDBACK

There were no questions following the first reading of Ordinance No. 7972. Additional information was provided in Attachments B, C and D of Agenda Item 3H of the May 6, 2014 City Council agenda packet. The packet is located at:

<http://lfpod/CentralRecords/0/doc/12006296/Electronic.aspx>

ATTACHMENT

A. Ordinance No. 7972 relating to the supplemental appropriations to the 2014 Budget

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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**CENTRAL AREA GENERAL IMPROVEMENT DISTRICT (CAGID)
BOARD OF DIRECTORS AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE

Consideration of a resolution amending the 2014 Downtown Commercial District Fund (formerly CAGID Fund) Budget.

PRESENTERS

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

EXECUTIVE SUMMARY

This budget supplemental resolution is the first to be presented to City Council in 2014 for the Downtown Commercial District (DCD) Fund (formerly CAGID Fund) Budget. All supplementals adjust only the 2014 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 the budget supplemental resolution.

A proposed resolution is provided as **Attachment A** to this packet. The resolution contains requests for supplemental appropriations from fund balance for project carryover and encumbrance carryover. The resolution also includes a negative appropriation for estimated carryover that was included in the original 2014 Budget Resolution 254.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt a resolution approving a supplemental appropriation to the 2014 DCD Fund Budget.

Consideration of a motion to adjourn from the Central Area General Improvement District (CAGID) Board of Directors and convene as the University Hill General Improvement District (UHGID) Board of Directors.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental resolution appropriates funding for capital projects that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal: This resolution appropriates encumbrance carryover of \$371,534 from fund balance, capital project carryover of \$350,140 from fund balance, and a supplemental request of \$643,176.
- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

This supplemental resolution appropriates funding for projects and services that were approved by council in prior year budgets and are being carried into the 2014 budget. There is one request for additional appropriations in 2014 in the amount of \$643,176. This supplemental request is needed to cover the remaining payment of TIF revenues above expenditures that are returned to the General Fund as part of the TIF agreement. The final payment will be made in 2014.

Attachment B shows the impact the carryovers will have on the Downtown Commercial District fund balance.

ATTACHMENTS

- A. Proposed Resolution amending the 2014 DCD Fund Budget
- B. 2014 DCD Fund Activity Summary

RESOLUTION NO. 266

A RESOLUTION RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND), MAKING A SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the District desires to make fund balance transfers to continue and complete projects previously authorized and approved; and

WHEREAS, the District also desires to make certain supplemental appropriations for purposes not provided for in the 2014 Annual Appropriation Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT, THAT THE FOLLOWING BE ACCOMPLISHED:

Section 1.

Appropriation from Fund Balance - Encumbrance	\$371,534
Appropriation from Fund Balance	\$993,316
Negative Appropriation – Resolution # 254	(\$250,000)

INTRODUCED, READ, PASSED AND ADOPTED this 3rd day of June, 2014.

Chair

Attest:

Secretary

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

FUND	At January 1, 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	Appropriations (Including Xfers Out)	Fund Balance
Downtown Commercial District Fund (540)	5,497,477	8,079,963	7,027,956	0	1,364,849	5,184,635

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**UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT(UHGID)
BOARD OF DIRECTORS AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE

Consideration of a resolution amending the 2014 University Hill Commercial District Fund (formerly UHGID Fund) Budget.

PRESENTERS

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

EXECUTIVE SUMMARY

This budget supplemental resolution is the first to be presented to City Council in 2014 for the University Hill Commercial District (UHCD) Fund (formerly UHGID Fund) Budget. All supplementals adjust only the 2014 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 the budget supplemental resolution.

A proposed resolution is provided as **Attachment A** to this packet. The resolution contains a request for encumbrance carryover. This resolution will appropriate \$31,816 in encumbered funds carried over from 2013 to 2014. The encumbrance was for products or services that were purchased (or committed to be purchased by contract) but not received or completed by December 31, 2013.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt a resolution approving a supplemental appropriation to the 2014 UHCD Fund Budget.

Consideration of a motion to adjourn from the University Hill General Improvement District (UHGID) and convene as the Boulder Municipal Property Authority.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental resolution appropriates encumbrance carryover items that positively affect economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal: This resolution appropriates encumbrance carryover of \$31,816 from fund balance.
- Staff time for this process is allocated in the Budget Division's regular annual work plan.

ANALYSIS

This supplemental resolution appropriates funding for services that were approved by council in prior year budgets and are being carried into the 2014 budget. There are no requests for new budget appropriations.

Attachment B shows the impact the carryover will have on the UHCD fund balance.

ATTACHMENTS

- A. Proposed resolution amending the 2014 UHCD Fund budget
- B. 2014 UHCD Fund Activity Summary

RESOLUTION NO. 191

A RESOLUTION RELATING TO THE FINANCIAL AFFAIRS OF THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND), MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the District now desires to make fund balance transfers to continue and complete a project previously authorized and approved; and

WHEREAS, the District also desires to make certain supplemental appropriations for purposes not provided for in the 2014 Annual Appropriation Resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT THAT THE FOLLOWING BE ACCOMPLISHED:

Section 1.

Appropriation from Fund Balance - Encumbrance \$31,816

INTRODUCED, READ, PASSED AND ADOPTED this 3rd day of June, 2014.

Chair

Attest:

Secretary

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

FUND	At January 1, 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	Appropriations (Including Xfers Out)	Fund Balance
University Hill Commercial District Fund (550)	766,803	575,587	569,215	0	31,816	741,359

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**BOULDER MUNICIPAL PROPERTY AUTHORITY
BOARD OF DIRECTORS AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE

Consideration of a motion to adopt a resolution amending the 2014 Budget for the Boulder Municipal Property Authority.

Consideration of a motion to adjourn from the Boulder Municipal Property Authority Board of Directors and reconvene as Boulder City Council

PRESENTERS

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

EXECUTIVE SUMMARY:

The Boulder Municipal Property Authority (BMPA) was formed as a Colorado nonprofit corporation in February of 1988. The Authority was formed for the purpose of acquiring real and personal property, and leasing, selling or otherwise conveying the same to the city. The Authority is governed by a nine-member board of directors, which consists of the mayor and council of the city. The Authority's officers include a president and vice president, which, pursuant to its bylaws, shall be the mayor and deputy mayor, respectively, of the city and a secretary-treasurer, which shall be the director of Finance and Record, ex officio city clerk of the city. The Authority has no assets, other than assets acquired from the issuance of debt securities, which are pledged to the repayment of such securities.

The Boulder Municipal Property Authority is a component unit of the City of Boulder as provided in the definition of "Reporting Entity" used by the Governmental Accounting Standards Board. This requires that the financial statements of the Boulder Municipal Property Authority be included in the city's Comprehensive Annual Financial Report. Therefore, the Boulder Municipal Property Authority must adopt a formal annual budget.

The increase to BMPA's 2014 budget in this agenda item is a result of additional notes being issued after the original 2014 budget was adopted.

BMPA note 2013A E.R.T.L., for \$5,000,000 closed on Oct. 31, 2013. This request increases appropriations for debt service payment on this note. Note payments are due every October 31st, until the note matures in 2023. The amount represents principal and interest.

STAFF RECOMMENDATION:

Suggested Motion Language:

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

Motion to adopt a Resolution approving a supplemental appropriation to the Boulder Municipal Property Authority 2014 budget.

Motion to adjourn from the Boulder Municipal Property Authority Board of Directors and reconvene as Boulder City Council.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

This action is an accounting function necessitated by accounting requirements.

OTHER IMPACTS:

An appropriation of \$591,320 will be made in the Boulder Municipal Property Authority Debt Service Fund for debt service payment for the 2013 BMPA note.

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

ATTACHMENTS:

- A. Proposed resolution
- B. Fund Activity Summary

RESOLUTION NO. 137

A RESOLUTION CONCERNING THE BOULDER MUNICIPAL PROPERTY AUTHORITY (BMPA), MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Boulder Municipal Property Authority is a nonprofit corporation duly organized and existing under the laws of the State of Colorado, and;

WHEREAS, the Boulder Municipal Property Authority is a component unit of the City of Boulder, for accounting purposes only, and as such, is required to formally adopt an annual budget, and;

WHEREAS, certain 2013 debt service and capital expenditure obligations of the Boulder Municipal Property Authority were not provided for in the 2014 Annual Appropriation Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, ACTING AS THE BOARD OF DIRECTORS OF THE BOULDER MUNICIPAL PROPERTY AUTHORITY, THAT THE FOLLOWING BE ACCOMPLISHED:

Section 1. Appropriation from Additional Revenue \$591,320

INTRODUCED, READ, PASSED AND ADOPTED this 3rd day of June, 2014.

President

Attest:

Secretary

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

FUND	At January 1, 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	Appropriations (Including Xfers Out)	Fund Balance
Boulder Municipal Property Authority	0	1,661,878	1,661,878	591,320	591,320	0

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE Consideration of a motion to authorize the city manager to issue request for proposals to award the remainder of the city's education excise tax revenue.

PRESENTERS

Jane S. Brautigam, City Manager
Carl Castillo, Policy Advisor
Karen Rahn, Director, Human Services

EXECUTIVE SUMMARY

On Aug. 21, 2012, City Council directed the city manager to initiate a competitive process to award the city's education excise tax (EET) revenue. In the first round of awards in 2013, the city awarded \$486,214 to 10 organizations for projects related to improving school readiness and closing the achievement gap. Now that receipt of additional EET funds is unlikely, the city is prepared to commence a second and final fund round process to award the remaining funds of \$276,714.

Council's Boulder Valley School Issues Committee (the Committee) and city staff are proposing that the same eligibility criteria and competitive process used for the first round be used for this final round. With council's approval, the city will issue the attached Request for Proposals (RFP, **Attachment A**) to interested parties. Council and the Committee would then have an opportunity to review the responses and final decisions on awards before any funds were disbursed, as described in the Next Steps section below.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion directing the city manager to issue RFP to award the remaining education excise tax revenues

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Social – Investments in school readiness and closing the achievement gap contribute to residents’ long-term self-sufficiency and lessen reliance on more costly public services. Academic success is correlated with greater long-term financial stability, lifelong earnings, employment and housing stability and avoidance of public subsidies.

OTHER IMPACTS

- Fiscal – Non-personnel expenses associated with conducting a round of funding are estimated to be between \$500 and \$1,000, depending on the grant application process and the number of applicants.

The balance of EET funds collected through May 7, 2014 is \$276,714. Based on a review of the pending building permits that were originally filed when the EET was still in effect, the city does not anticipate collection of significant additional EET funds. EET revenues from new permits issued by the city are not anticipated unless City Council reinstates the imposition of the EET by ordinance. Although the council reduced the rate to zero in 2010, the city continues to have the authority to levy these taxes.

Interest accrues on unspent EET funds and is applied to the reserve balance monthly. As proposed, any interest or additional EET funds collected during the first half of 2014 would be allocated in this final fund round.

- Staff time – Staff support for committee and fund round processes is estimated to be 60-80 hours through the allocation of funds and an additional 40-60 hours for contracting and compliance through the life of the contracts, depending on the number of contracts.

COUNCIL BOULDER VALLEY SCHOOL DISTRICT ISSUES COMMITTEE FEEDBACK

Council’s Boulder Valley School District Issue Committee, made up of Council Members Morzel, Plass and Shoemaker, met on Feb. 10, 2014. They discussed the history of EET funds use, including the 2013 disbursements.

Committee members recommended that council direct the city manager to proceed with a second and final EET fund round award process similar to the one used in 2013. In doing so, they supported use of the below criteria in an RFP:

- Funds should be used for a one-time capital or non-capital project:
 - For operating projects, funding must provide seed, start-up or gap funding for a sustainable project;
 - For real property acquisition projects, successful applicants must enter into a shared equity agreement with the city;
- To further council’s commitment toward:
 - School readiness for at-risk children;
 - Closing the achievement gap;

- Interventions that help reduce youth risk factors;
- Project provides educational support to low-income or disabled children or children of non-native English speaking families;
- Applicant must be a 501(c) (3) nonprofit or educational entity located within the city;
- Applicant must serve children from birth through age 18 as primary beneficiaries;
- Applicant must demonstrate committed, matching funds;
- Minimum application amount is \$25,000;
- Maximum application amount is \$120,000;
- Applicant must agree to enter into a contract with the city for funding and to report two times annually on expenditures and outcomes;
- Funds must primarily serve City of Boulder residents; and
- Proposals may not seek funding for
 - City of Boulder programs; and
 - Playground and technology requests.

The Committee also supported continued involvement of council in the selection of awardees according to the following steps, also used in the 2013 process:

1. City issues RFP.
2. RFP responses received, reviewed by the Committee and recommendations made to the city manager for consideration.
3. City manager makes preliminary decision on proposals subject to council review.
4. Council provides feedback on city manager’s preliminary decision.

BACKGROUND

Consideration of a School Impact Fee

On July 19, 1993, Boulder Valley School District (BVSD) formally requested that the city take appropriate steps to implement a school facilities impact fee. On Aug. 3, 1993, City Council endorsed the concept of school impact fees and directed staff to prepare an intergovernmental agreement with BVSD for the administration of those fees. According to the minutes from the Aug. 3, 1993 council meeting, the proposed fee at that time was being considered “specifically for middle and elementary schools and did not include high schools or centralized facilities.”

The city did not pursue an impact fee for various reasons. Chief among them was an inability to achieve consensus among local communities to initiate a funding strategy. According to a memo from then City Attorney Joe de Raismes to City Council dated Aug. 30, 1994, legal precedent required that local communities collect a uniform impact fee rate across the school district. The purpose of a uniform rate was to ensure that the impact fee collected by one community was not subsidizing school construction to satisfy the facility needs created by residential development in other communities. In addition, a Douglas County District Court decision challenged the authority of local communities to collect impact fees for school financing purposes. The decision held that Douglas County was preempted by the State School Finance Act from imposing a school impact fee as a

condition of a building permit or a certificate of occupancy. Further, the District Court held that counties do not have express or implied authority to impose such fees.

Consideration of Education Excise Tax

BVSD unsuccessfully attempted to pass a \$36 million bond measure in November of 1993. Funding from that measure would have covered the cost of future school facility needs from 1993 through the year 2000. Against the backdrop of that failed measure, BVSD asked local communities to revisit the issue of school impact fees.

After discussions among local community representatives, it quickly became apparent that it would be extremely difficult to broker an agreement to collect the required uniform impact fees among all communities within the BVSD. However, legal counsel for these communities made some suggestions concerning alternative funding mechanisms. One suggestion was an education excise tax on new residential development. This alternative was seen as advantageous because it allowed communities to assess the tax at any rate they felt was appropriate without concern for maintaining uniformity with other communities. It also allowed the communities the flexibility to determine how they would appropriate the revenue they collected.

On Aug. 30, 1994, council passed Ordinance Number 5662, which referred Ballot Issue 2D to the citizens of Boulder. Relevant portions of that ordinance are reproduced below:

WHEREAS, the city council is of the opinion that an education excise tax should be imposed in lieu of a school impact fee, previously endorsed by the council, and expended for education related purposes or for property tax credits to offset future education taxes, but without dedication of the tax. . . .

NOW, THEREFORE, . . .

Section 2. The official ballot punch card and the official absentee ballot shall state . . .

SHALL CITY OF BOULDER TAXES BE INCREASED BY UP TO \$3,000,000 ANNUALLY (IN THE FIRST YEAR) BY IMPOSING AN EDUCATION EXCISE TAX ON NEW RESIDENTIAL DEVELOPMENT IN THE AMOUNT OF UP TO \$3.43 PER SQUARE FOOT OF HABITABLE FLOOR AREA FOR EACH NEW RESIDENTIAL DWELLING UNIT AND OF POTENTIAL HABITABLE FLOOR AREA FOR EACH NEW MOBILE HOME PAD,

and in connection therewith

SHALL THE FULL PROCEEDS OF SUCH TAXES AT SUCH RATES BE COLLECTED AND SPENT, TOGETHER WITH ANY EARNINGS THEREON, WITHOUT LIMITATION OR CONDITION, AND

WITHOUT LIMITING THE COLLECTION OR SPENDING OF ANY OTHER REVENUES OR FUNDS BY THE CITY OF BOULDER, UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW? [Emphasis added]

The language emphasized above, relating to how the revenue from the tax was to be used, was intentionally made flexible in part to address the potential limitations that had been imposed by the Douglas County District Court decision. According to a summary of a statement made by then City Attorney Joe de Raismes, as captured in the minutes of the Aug. 30, 1994 council discussion of the EET, the intent of the tax was that “it be used in a flexible way to deal with the impacts of schools by new residential construction.”¹ During that same meeting, in response to a question by Mayor Durgin on what level of school would be built and the purview of the city to give feedback in that regard, the minutes summarized the following response from then City Attorney de Raismes:

Mr. de Raismes said it is the intention that the City will collect this money and keep it in an interest-bearing account. The City will then determine how to spend the money. It will never be in the coffers of the School District until the City and the School District reach an agreement about how the money is to be used.

Post-Ballot Measure

On Nov. 8, 1994, Ballot Issue 2D was approved by the voters. On April 4, 1995, in order to implement the EET, the City Council approved a conforming ordinance, known as Ordinance No. 5689. According to that ordinance, the intent of the tax was codified in the city code as follows:

3-11-1 LEGISLATIVE INTENT

IT IS THE PURPOSE OF THIS CHAPTER TO PROMOTE THE DEVELOPMENT OF PUBLIC EDUCATIONAL FACILITIES AND SERVICES IN THE CITY. REVENUES FROM THE TAX, TOGETHER WITH ANY EARNINGS THEREON, SHALL BE DEPOSITED IN A DESIGNATED ACCOUNT OF THE GENERAL FUND AND SHALL THEREFORE BE AVAILABLE TO PAY FOR THE GENERAL EXPENSES OF GOVERNMENT. HOWEVER, ALTHOUGH THE CITY COUNCIL RECOGNIZES THAT IT CANNOT BIND FUTURE CITY COUNCILS, IT NONETHELESS DECLARES ITS INTENTION THAT THE REVENUE GENERATED BY THE EDUCATION EXCISE TAX BE APPROPRIATED BY FUTURE CITY COUNCILS ONLY FOR EDUCATIONAL RELATED PURPOSES, INCLUDING, WITHOUT LIMITATION, DEVELOPMENT OF PUBLIC EDUCATIONAL

¹ At the time BVSD expected that it would be necessary to construct new school buildings in North Boulder to meet capacity needs at the elementary and secondary school levels.

*FACILITIES AND SERVICES OR TAX REFUNDS OR SETOFFS
RELATING THERETO. [Emphasis Added]*

In the April 4, 1995 staff memo for council’s consideration of this resolution, staff provided council with a list of some, but not all, of the options relative to disposition of these funds. Staff listed: (1) Direct Dispersal to the School District; (2) Construction of School Facilities in Boulder, and; (3) Property Tax Rebate. Staff’s memo on this point did not make a recommendation but concluded by stating, “Future City Council bodies will need to make decisions regarding this matter in light of a variety of factors, including the condition of school facilities in Boulder and the city’s relationship with the School District.”

Pursuant to the implementing ordinance, the EET became effective on April 4, 1995, at the rate of \$0.95 per square foot of floor area, up to a cap of 6,000 square feet. This amount was set based on an analysis of the relative financial impact of new residential development on BVSD facilities. That amount was adjusted annually based on the Consumer Price Index up until the implementing ordinance was repealed on Oct. 27, 2009 by Ordinance No. 7698. Since that time, the city has only collected fees on development applications that were received prior to the repeal of the ordinance.

BVSD originally expected that EET revenue would be necessary to construct new school buildings in North Boulder. Since the passage of the ballot measure, declining enrollment combined with open enrollment have resulted in North Boulder student growth being accommodated through available capacity in schools throughout the city.

The expenditures of EET funds approved by council since the city began collecting the tax in 1995 have been as follows:

Amount	Recipient	Purpose	Year of Disbursement
\$19,300	BVSD	Recreation facilities needs assessment	2003/2004
\$1,850,000	BVSD	Installation of synthetic turf at Boulder and Fairview High Schools	2003/2004
\$130,134	BVSD	Athletic field lights at Boulder High School	2008
\$50,000	Alan Ford Architects	Preliminary architectural, structural and mechanical plans for the proposed Mapleton Early Childhood Center	2009
\$1,800,000	BVSD	Energy-efficient rebuilding of Casey Middle School	2010
\$3,500,000	BVSD	Renovation of the Mapleton School for use as an early childhood education center	2011
\$960,292*	The Acorn School for Early Childhood Development	Wilderness Place Project, a center to provide comprehensive services related to early childhood	2011
\$486,214	Various private and public educational entities	School readiness and closing the achievement gap	2013

* This expenditure was structured as a shared appreciated loan

Ten organizations were funded through the 2013 award process as described in the table below.

2013 EET Funding		
Agency and Program	Type of Funding	Funding Amount
1. Attention Homes for Adolescent Residential Care Program	Operating	\$25,000
2. Boulder High School for Leveling the Playing Field Program	Operating	\$25,000
3. Children’s House Preschool for First Chance Scholarship Program	Operating	\$49,000
4. Creekside Elementary School for the Co-teaching Pilot Project	Operating	\$67,214
5. Early Childhood Council of Boulder County for Touchpoints Training Program	Operating	\$50,000
6. Family Learning Center for the Wellness and Education Center	Capital	\$120,000
7. I Have A Dream Foundation for Positive Futures Program	Operating	\$75,000
8. Legacy of Learning for the Literacy Improvement Project	Operating	\$25,000
9. YWCA for the Latina Achievement Support Program	Operating	\$25,000
10. YWCA for the Reading to End Racism Program	Operating	\$25,000
Total EET Capital Funding		\$120,000
Total EET Operating Funding		\$366,214
Total EET Funding Awards		\$486,214

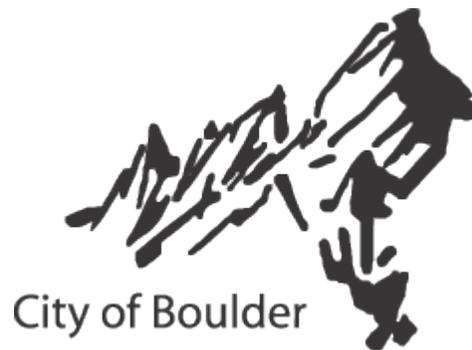
A review of midyear reports submitted by the recipients in February 2014 indicates that they were all on track to meet or exceed their midyear goals. Four of the 10 agencies exceeded the 2014 contract goal at midyear. Agencies have 30 days to submit year-end reports after the EET contract year ends on July 31, 2014. Results from the 2014 year-end reports will be available for the Committee to review prior to final recommendations being presented to council.

NEXT STEPS

If the proposed criteria identified in this memo are approved, staff anticipates moving forward with the following schedule:

- Release of RFP June 2014
- Committee reviews proposals July/August 2014
- City manager review and recommendation to City Council August 2014
- Council consideration of recommendation September 2014
- Contracts executed October 2014

ATTACHMENTS:
A. EET RFP



**Funding for Projects to Address School Readiness
and Close the Achievement Gap
Education Excise Tax 2014-2015 Funding Round**

**Notice of Request for Proposals
Deadline: Tuesday, July 8, 2014, 4:30 p.m.**

For more information:
Wanda Pelegrina Caldas
pelegrinaw@bouldercolorado.gov
303-441-4059

Funding for Projects
Education Excise Tax 2014-2015 Funding Round
 Notice of Request for Proposals (RFP)

General Overview and Proposal Checklist

Fund Description

The City of Boulder has education excise tax (“EET”) revenue, which it intends to award. This revenue was generated pursuant to a 1994 voter-approved measure that called for taxing new residential development and using the funds generated to promote education-related facilities and services. Historically, these funds have been spent on Boulder Valley School District (BVSD) projects, and a variety of other projects funded through a competitive process in 2013. Boulder City Council will now disburse the remaining funds through this competitive RFP process, subject to the criteria and considerations below, for projects that help address school readiness and close the achievement gap in the City of Boulder.

Available Funds

The city has \$276,714 available in existing EET funds, which are subject to this RFP. The EET tax, originally collected pursuant to 1995 City Ordinance No. 5689, was repealed in 2009 through Ordinance No. 7698. Any interest or additional EET funds collected during the first half of 2014 will be allocated in this final EET fund round.

Eligibility Criteria

Boulder City Council adopted the following criteria for purposes of inviting Requests for Proposals:

- Applicant must be a 501(c)(3) nonprofit or educational entity located within the city of Boulder.
- Funds should be used for one-time capital or operating projects:
 - For operating projects, funding must provide seed, start-up or gap funding for a sustainable project
 - For real property acquisition projects, successful applicant must enter into a shared equity agreement with the city
- To further council’s commitment toward:
 - School readiness for at-risk children
 - Closing the achievement gap
 - Interventions that help reduce youth risk factors
- To provide educational support to low-income or disabled children or children of non-native English speaking families.
- Applicant must serve children aged birth through 18 as primary beneficiaries
- Funds must be used to serve primarily City of Boulder residents
- Applicant must demonstrate committed matching funds
- Minimum application amount is \$25,000
- Maximum application amount is \$120,000
- Funds may not be used to purchase technology or playground equipment
- City of Boulder departments and programs are not eligible

Contract and Reporting Requirements

Funded applicants must agree to enter into a contract with the city for funding. Operating projects will report biannually on outcomes and expenditures; capital programs will report quarterly on project progress with a final expenditure and outcomes report.

Deadline and Submittals

All proposals must be **received** by 4:30 p.m., **Tuesday, July 8, 2014**. No extensions will be granted under any circumstances. Due to this restriction, we strongly encourage you to turn your proposal in at least one day early.

Submit your proposals as **one** PDF document via email to pelegrinaw@bouldercolorado.gov, with the subject line EET 2014-2015 Funding Round RFP.

Please note that electronic submittals are preferred, but you may mail or hand-deliver as explained below.

Submit one copy printed double-sided on standard 8 ½ x 11 size paper in a standard font no smaller than 11 point, recycled paper encouraged. It is not necessary to staple or put your proposal in a binder, but please number each page and submit it in a sealed envelope, clearly marked Education Excise Fund.

U.S. Mail: To the attention of Wanda Pelegrina Caldas, Department of Human Services, PO Box 791, Boulder, CO 80306. Please allow for adequate delivery time, as on-time proposals will be determined by delivery date and not postmark.

Hand-Deliver: To the attention of Wanda Pelegrina Caldas, 1101 Arapahoe Avenue, 2nd Floor, Boulder, Colorado 80302 between 8:00 a.m. and 5:00 p.m. You may use our after-hours drop off box, located at our front door, but proposals received after 4:30 p.m. on July 8 will not be accepted.

Review Process

Please note your completed proposal does not guarantee funding. The committee will consider all proposals during July and August of 2014, prior to making recommendations to the city manager, followed by City Council later this summer. The committee or staff, on behalf of the committee, may contact you to address follow-up questions and may require a site visit prior to deciding which projects to recommend for funding.

Project Timeline

Event	Date
RFPs due	July 8, 2014
School Issues Committee reviews applications and makes funding recommendations to city manager	By mid-August, 2014
City manager approves recommendations	By end of August, 2014
City Council considers recommendations for funding	Sept. 16, 2014
Contracts negotiated	Sept.-Oct., 2014
Contracts executed and funds distributed	October 2014

For Additional Information

To ensure an accurate and timely response to your questions about this RFP, contact Wanda Pelegrina Caldas at pelegrinaw@bouldercolorado.gov or 303-441-4059.

Proposal Checklist

The following checklist is provided to facilitate your review and response of this RFP. Please check your proposal against this list before submitting to ensure that your proposal is complete as per the requirements. *Proposals missing one or more of the following components or not following these directions may not be reviewed.*

Your proposal should contain each of these items in this order, using the tables provided:

Part I: Proposal Abstract (1 page maximum). The top page of your proposal must be a completed copy of the Proposal Abstract form. Please do not include pages 1-4 with your submission; these are for your information

Part II: Proposal Narrative (2 page maximum). Your proposal should contain the following sections in the following order:

- A. Need for Project/Services
 - 1. Target Population
 - 2. Problem Statement
 - 3. Services in Boulder
- B. Proposed Project/Services
 - 1. Project/Services Description (note: different questions for operating and capital)
 - 2. Funding Specifics
 - 3. Cost-Per-Client/Cost-Per-Contact
 - 4. Sustainability

Part III: Organizational Management (1 page maximum).

- A. Evaluation
- B. Demographics
 - 1. Projected Clients and Clients Served
 - 2. Race/Ethnicity
 - 3. Income Level

Part IV: Financial Statements and Attachments (1 page maximum for tables A & B plus attached budget).

- A. Sources of Income
- B. Fundraising to Date
- C. Detailed Program or Project Budget (note: different questions for operating and capital)
- D. Organizational Budget for the current fiscal year

Submit your proposals as **one** PDF document via email to pelegrinaw@bouldercolorado.gov, with the subject line EET 2014-2015 Funding Round RFP. All proposals must be **received** by 4:30 p.m., Tuesday, July 8, 2014. No extensions will be granted under any circumstances. Due to this restriction, we strongly encourage you to turn your proposal in at least one day early.

Part I: Proposal Abstract *(Please use this form and do not exceed one page)*

A. Applicant Information

Organization's Full Legal Name:		Organization DBA Name (if applicable):	
Mailing Address, City, State, Zip (and Physical Address, if it different and not confidential):			
Telephone:		Website:	
Name of CEO or Executive Director:		Phone:	
E-Mail Address:			
Type of organization: <input type="checkbox"/> Nonprofit <input type="checkbox"/> Educational Entity		EIN:	
Name and Title of the main contact for this RFP <i>(if not the Executive Director)</i> :			
E-Mail Address:		Phone:	
Year Founded:		Mission Statement:	
Number of Employees: Full-time:		Part-time:	Number of Volunteers:

B. Project Information

Type of project: <input type="checkbox"/> Capital Acquisition (requires a shared equity agreement with the city) <input type="checkbox"/> Operating (Please check type): <input type="checkbox"/> Seed <input type="checkbox"/> Start-up <input type="checkbox"/> Gap funding	
Project Title:	
Project Address(s), if different than above:	
Project Start Date:	Project End Date:
Is your project contingent on this funding?: <input type="checkbox"/> Yes <input type="checkbox"/> No Explain, if yes:	
Is your timeline contingent on this funding?: <input type="checkbox"/> Yes <input type="checkbox"/> No Explain, if yes:	
What age group will your project serve?:	

C. Financial Information:

Total Project Cost: \$
Amount of EET funds requested for your project (min \$25,000/max \$120,000):\$
Total matching funds (non-City of Boulder) raised to date: \$

Part II. Proposal Narrative *(Two-page maximum)*

Provide a narrative of your proposed project in no more than two pages using the questions outlined below. Use a standard font no smaller than 11 point and **include the headings** provided. It is not necessary to repeat the text of the questions. You are not required to submit the full amount of pages, but **you may not exceed this limit**. Note, some questions differentiate answers for operating vs. capital funding; please answer the appropriate set of questions, not both.

A. Need for Project/Services This section should describe the population you intend to (or already) serve and the specific problems they face, also services in Boulder (other than your own) that attempt to address these problems.

1. Target Population: Briefly identify and describe the population your project will serve, both demographically and geographically including an estimate of how many persons will benefit from the proposed project (e.g., 45 City of Boulder Latinas, ages 10-17).

2. Problem Statement: Describe the problem faced by your target population and any emerging trends that your proposed project addresses. *Do not describe how your project will address this problem in your answer.*

3. Services in Boulder: (a) Describe existing services in Boulder (other than your own) that attempt to address this problem. (b) State how these other projects and services differ from yours and give specific examples of collaborative efforts with these other agencies.

B. Proposed Project/Services This section should describe your project/services, with specific information on the results you expect to accomplish and the major activities for achieving the goals of this project.

1. Project/Services Description: Describe your proposed project/services. **Operating projects include:** (a) the goal of your project; (b) a brief description of the programs and services provided through this project; and (c) what benefits your target population will receive; **Capital projects include:** (a) the project scope and timeline; (b) a brief description of the programs and services provided through this project; and (c) a rationale for the project, e.g. why it is important for the mission of the organization and how this project will allow you to better meet the needs of the target population.

2. Funding Specifics: What specifically will an award from the EET fund?

3. Cost-Per-Client/Cost-Per-Contact: Provide an estimate of your cost-per-client and/or contact for services provided by the project proposed. Discuss how estimates were determined. Base these on the total cost of the project/services, not just the funds requested from the EET.

4. Sustainability: Please explain the impact of this project on your organizational or operating expenses, and how the project will be sustained after one-time EET funds are expended.

Part III: Organizational Data *(One page maximum)*

Provide a picture of whom your organization serves in no more than one page using the tables and questions outlined below. Use a standard font no smaller than 11 point. You may add additional rows to the tables, but **do not change the formatting or omit the headings provided**. It is not necessary to repeat the text of the questions. You are not required to submit the full amount of pages, but **you may not exceed this limit**.

A. Evaluation: Describe: (a) the organization’s overall approach to evaluation; (b) how frequently data collection occurs; (c) how impact is measured; and summarize (d) key evaluation results or findings that demonstrate the organization’s impact.

B. Demographics: If your organization follows a non-traditional calendar (e.g., school year), base answers on your calendar year.

1. Projected Clients and Clients Served

How many unduplicated clients, age 0-18, did your agency serve last year?
What percentage of the total unduplicated clients were City of Boulder residents ?
How many unduplicated City of Boulder residents, age 0-18, does your agency propose to serve if your proposal is funded?

Using the proposed number of City of Boulder residents (above), please fill out the following tables.

2. Race/Ethnicity *(Project the race/ethnicity of the proposed unduplicated City of Boulder residents)*

African American	Native American	Asian/Pacific Islander	Latino/Hispanic
Caucasian Non-Latino	Mixed Race	Other	Unknown

3. Income Level *(Project the income level of the proposed unduplicated City of Boulder residents)*

Note: The area median income (AMI), for a four person household, in Boulder County is \$93,017

Extremely Low Income: (Less than or equal to 30% of AMI)	Very Low Income: (Less than or equal to 50% of AMI)
Low Income: (Less than or equal to 80% of AMI)	Non-Low Income:

Part IV: Financial Statements and Attachments (1 page maximum for tables A and B plus attached budget)

Please fill out the following tables and provide the following financial documents. Budgets may be inserted as tables or attached in the order specified below. Make sure you label any attachments.

A. Sources of Income: Complete the table below for the organization as a whole, based on the most recently completed fiscal year. You may add rows to fit your organization’s funding categories. Indicate 0% for categories that do not apply to your organization’s funding categories.

Percentage	Funding Source
%	Government grants or contracts (federal or state)
%	Local government grants or contracts (county or city)
%	Boulder and/or St. Vrain Valley School District(s)
%	Foundations
%	Business sponsorships
%	Events (include event sponsorships)
%	Individual contributions
%	Fees/earned income
%	Workplace giving campaigns
%	In-kind contributions (optional)
%	Other
%	TOTAL (should equal 100%)

B. Fundraising to Date (for this project): Please fill out the following table inserting more rows, as needed

Only include in-kind donations if they correspond to and reduce project costs.		
Funding Source	Funding Amount	Committed (Yes, No, Pending)

C. Detailed Program (for operating requests) or Project Budget (for capital requests): Either insert or attach a current budget for the program or project.

D. Organizational Budget for the current fiscal year: Either insert or attach a current organizational budget.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance No. 7973 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, but that intimidating behavior can often limit those who wish to enjoy our city. 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 second reading of 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 waiting at a bus stop. 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 six such situations and included them in the attached proposed ordinance.

Staff has explored and is not recommending other options. For example, 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 adopt on second reading Ordinance number 7973 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. It is important to recall that solicitation is constitutionally protected speech. Thus, no government can ban or even substantially limit such speech. It is appropriate, however, to impose reasonable time, place and manner restrictions that leave substantial alternative opportunities for solicitation in the community. 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 were attached to the first reading [memorandum](#). 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, and 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, and 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

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ORDINANCE NO. 7973

AN ORDINANCE AMENDING CHAPTER 5-13, "OFFENSES AGAINST THE PERSON," B.R.C. 1981, BY ADDING A NEW SECTION 5-3-15, "SOLICITATION RESTRICTED," PROHIBITING SOLICITATION AT DESIGNATED PLACES, AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new section 5-13-15, B.R.C. 1981, is added to read:

5-13-15 Solicitation Restricted.

No person shall make any verbal request for money or anything of value when the person who is subject to the request is in any of the following locations:

- (a) in an outdoor dining area;
- (b) within 20 feet of a sign indicating a bus stop;
- (c) within 20 feet of a self-service fuel pump;
- (d) within 20 feet of any children's play area;
- (e) within 20 feet of an automated teller machine or entrance to a bank; or
- (f) within 20 feet of any parking pay station.

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. 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 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, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 3rd day of June, 2014.

Mayor

Attest:

City Clerk

Attest:

City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE:

Second reading and consideration of a motion to adopt Ordinance 7978 to modify the allowable number of units and floor area of the BT-2, Transitional Business zoning district for the Trinity Commons project, located at 2200 Broadway. The project is proposed as a mixed use development on an existing surface parking lot with a new Fellowship Hall for Trinity Lutheran Church; office space for the Trinity Lutheran Church and other non-profit organizations; 24 (100 percent) permanently affordable attached senior housing units; and partially below grade parking to be shared with other off-site users.

PRESENTER/S

Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Susan Richstone, Deputy Director of Community Planning & Sustainability
Charles Ferro, Land Use Review Manager
Elaine McLaughlin, Senior Planner

EXECUTIVE SUMMARY:

An ordinance is requested to modify the intensity standards in Chapter 9-8 of the Land Use Code for a mixed use, permanently affordable residential development project, Trinity Commons. Such an ordinance was supported by Planning Board as a method of allowing the project to move forward based on the fact that the project would further numerous city sustainability goals as well as the project's compatibility with the surrounding area. Specifically, the project includes 100 percent permanently affordable housing, community meeting space, office space for non-profits, and the intent to landmark the Trinity Lutheran Church.

As a mixed use redevelopment that includes attached residential units, the proposed project is consistent with the Boulder Valley Comprehensive Plan land use designation and definition for High Density Residential land use. However, it is not consistent with the residential density and floor area limits of the site zoning: BT-2, Transitional Business. Therefore, the ordinance is necessary to permit the proposed density.

On May 20, 2014, City Council approved first reading of ordinance 7978 by consent. Also on May 20, 2014, the City Council considered the Planning Board decision on the Site and Use review applications for the project and chose not to call-up the decision of the Planning Board. The board reviewed and conditionally approved the applications for the Trinity Commons project on May 1, 2014; and the board recommended that City Council adopt the ordinance that will approve modifications to the intensity standards.

The Planning Board's support for the proposed project was based on the project's compatibility with the surrounding area, as well as the fact that the project would further numerous city goals and policies, and provide substantial community benefits. The community benefits include provision of affordable housing with 100 percent of the residential units planned as permanently affordable and 16 of the total 24 units specifically planned for seniors. Other benefits include provision of new meeting and office spaces for both the church other non-profit organizations, improved pedestrian environment, and the intent for the property owners to apply to landmark the historic Trinity Lutheran Church.

A previous ordinance (no. 7516) was approved by City Council for a similar project in 2007. However, since that time, the global financial crisis that began in 2008 impacted the ability to finance the project under Ordinance 7516. Therefore, in conjunction with their revised proposal, the applicant was required to request a new ordinance to authorize the modifications to the intensity standards that will allow up to 24 units of residential as permanently affordable, and permits density up to a 1.0 FAR where 0.5 FAR and 22 units are permitted. Ordinance 7516 would be repealed with approval of the proposed new ordinance.

STAFF RECOMMENDATION:

Planning Board and staff identified several aspects of the Trinity Commons project that would result in a defined community benefit for the City of Boulder. They are as follows:

1. Trinity Commons, a mixed use redevelopment of an existing surface parking lot is consistent with the Boulder Valley Comprehensive Plan land use designation although inconsistent with the residential density and floor area limits of the site zoning: BT-2, Transitional Business. The proposal is consistent with a number of Boulder Valley Comprehensive Plan policies related to affordable housing, social sustainability, and neighborhood compatibility.
2. More specifically, Trinity Commons would provide 100 percent of the housing as permanently affordable units, well above the standard of 20 percent and in a location that is easily walkable to downtown and immediately adjacent to a high-use transit line.
3. The project would also be of an attractive design appropriate to the scale and design of the adjacent historic church and nearby residential, and would enhance the pedestrian experience along the public rights of way.
4. The representatives of the congregation for Trinity Lutheran Church have indicated their intent to have the existing original and historically significant portion of the church

landmarked pursuant to the City's landmarking process.

5. The project would include much needed community meeting space and office space along Broadway for the use of the church and other non-profit organizations.
6. The proposed project removes surface parking to a partially below grade configuration that would not be visible from Broadway or Mapleton Avenue.
7. The proposed project provides a continued sharing of parking between the church and other downtown tenants and visitors, while also reducing the number of parking spaces that are required.
8. Trinity Commons would enable Trinity Lutheran Church to remain downtown to serve the community at its present location, consistent with a number of Boulder Valley Comprehensive Plan social sustainability goals and policies.

Based on these findings, staff requests council consideration of this matter and recommends council action in the form of the following motion:

Suggested Motion Language:

Approve ordinance 7978 authorizing modifications to the density and intensity standards of the BT-2 zoning district, for a project referred to as the Trinity Commons located at 2200 Broadway.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- **Economic:** The development would contribute to the overall diversity that exists in downtown Boulder by providing affordable housing particularly for senior residents (as discussed below) and also by encouraging the church, that may otherwise not be able to adapt to the rising land costs and insufficient parking for its needs, to remain in downtown Boulder. Working to retain a non-profit agency downtown contributes to the economic vitality of Boulder consistent with Policy 1.03 Principles of Economic Sustainability of the Boulder Valley Comprehensive Plan.
- **Environmental:** The Trinity Commons would redevelop an existing surface parking lot along Broadway. Development of this location near the downtown would be consistent with City policies that encourage infill development along multi-modal corridors. The site location along Broadway would allow residents easy, walkable access to downtown or to transit, refer to Policy 2.03 Compact Development Pattern.
- **Social:** The project would provide much needed permanently affordable housing for seniors along with meeting space in downtown where such space is rare. The project would contribute to the City's goal of maintaining at least 10 percent of the housing stock as permanently affordable, refer to policy 7.02 Permanently Affordable Housing. More specifically, 100 percent of the units (or 24 total units) would be deed restricted as permanently affordable. The provision of community space, the allowance to maintain the church in the downtown; and the landmarking of the existing historic church would also provide considerable community benefit to the city.

BOARD AND COMMISSION FEEDBACK:

The City Council approved the first reading of Ordinance 7978 on consent, and there were no questions of staff from that approval. The Planning Board reviewed and approved both the Site and Use reviews for the proposed project on May 1, 2014. Planning Board comments are reflected in the attached minutes (See Attachment D). The Planning Board reviewed the draft ordinance at the same meeting and required no changes but unanimously recommended that City Council approve the ordinance.

In the Planning Board's discussion, the substantial benefits presented by the project were acknowledged. The board also discussed the community benefit derived from the applicant, in good faith, applying to landmark the original church built in 1929, and discussed the additional benefit of applying to landmark a later modernist addition. The board indicated that Landmarks Board will be tasked with determining the most appropriate landmarks boundary for the church.

PUBLIC FEEDBACK:

Public notice was given in the form of three separate written notifications over the past nine months that were mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4, B.R.C. 1981 were followed. Two comment letters were received, both indicating support for the project.

BACKGROUND:

During 2006 and 2007, the Planning Board reviewed two separate Concept Plans for the Trinity Commons; both concepts did not meet the underlying Transitional Business zoning (BT-2) which would only allow 22 units and a floor area ratio (FAR) of 0.5:1 FAR. Staff presented several possible approaches for permitting the project, including a variety of land use plan changes, rezoning options or an ordinance. Based on the community benefits proposed, the Planning Board concluded that an ordinance would be most appropriate, and City Council then approved Ordinance 7516 in 2007 to permit 26 units (13 affordable) and up to a 1.25 FAR. However, since that time, the global financial crisis that began in 2008 impacted the ability to finance the project under Ordinance 7516 due to specific percentages assigned for specific AMI (Average Median Income) qualifications. The proposed new ordinance establishes 24 units as permanently affordable that must meet or exceed the standards of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981. The ordinance would also permit a density up to a 1.0 Floor Area Ratio (FAR) for the meeting and office space uses and allows the applicant to achieve the city's goals for permanently affordable housing and meet or exceed the standards of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981 for all the residential units.

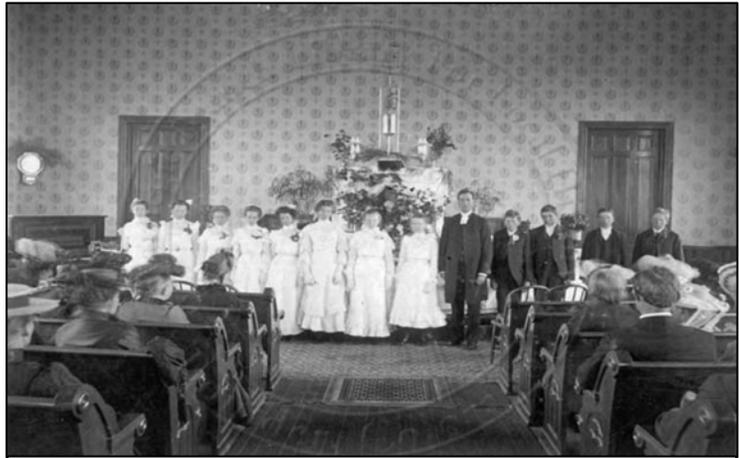
While the current proposal is slightly smaller than the original, it keeps intact the significant community benefit presented in the original plan with the added benefit that all proposed residential units would be permanently affordable (16 units in the first phase and eight additional units in the third phase).

With unanimous approval by the Planning Board on May 1, 2014 of the related Site and Use Review applications, the board conditioned the approvals on City Council's adoption of the ordinance. They

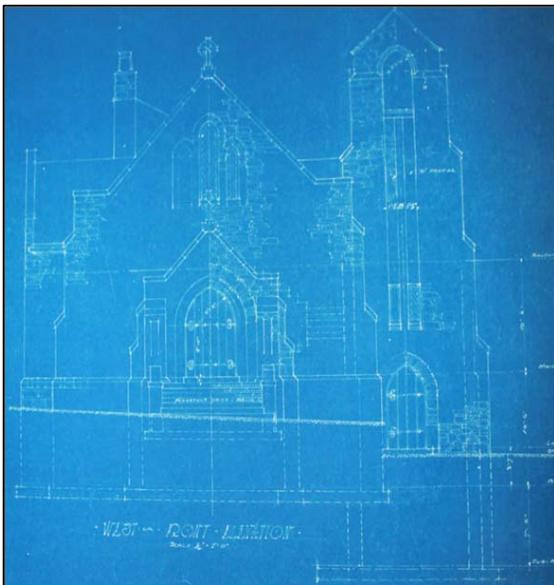
also recommended council approve the proposed ordinance based on substantial community benefits offered by the project. The existing Ordinance 7516 would then be repealed with approval of the new ordinance.

Existing Site and Historic Church. The project site is an approximately 22,000 square foot existing surface parking lot that serves the congregation of the Trinity Lutheran Church, who share the parking during non-church hours through leases to other downtown tenants. Across the alley from the parking lot is the Trinity Lutheran Church with approximately 700 church members. The church has been a congregation in Boulder since 1895, starting first nearby. An undated photo of one of the events with the early congregation is shown in Figure 2.

According to historic survey information from the Carnegie branch of the Boulder Public Library, the church was constructed in 1929 after designs by Margaret Read of the architectural office of Glen Huntington. While the church is considered notable for its 1920s gothic-revival architecture and is also located in an area known as Boulder’s “church district” the primary architectural significance is because of the association with Margaret Read. A photo of the original blueprint from Carnegie Library is shown below alongside a recent photo of the original church.



*Figure 1:
Photo from early Trinity Lutheran Church congregation*

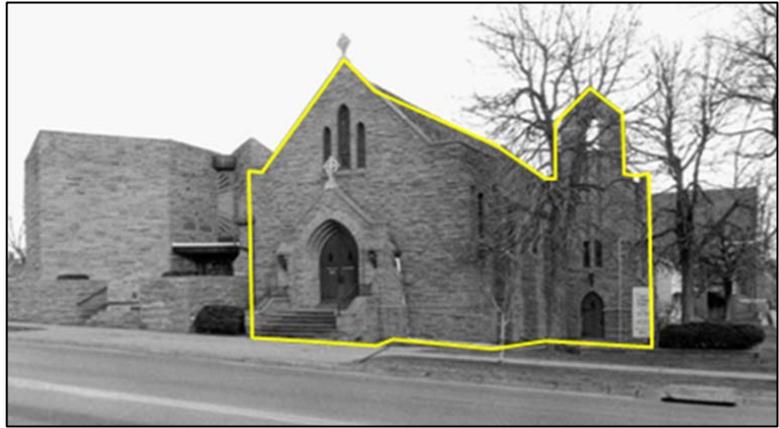


*Figure 2:
Photo of Original Blueprint from the architect of the church, Margaret Read, 1929*



*Figure 3:
Original Church as it appears today,
viewed from Broadway*

In 1966, a contemporary, “organic-style” addition was constructed at the north side of the church (shown in Figure 4), designed by local mid-century modernist architect, Hobart Wagener; he designed over 200 public and private buildings, including Ball Brothers Industrial Park (1956-1964), an addition to the First United Methodist Church (1958-60), Midland Savings and Loan (the Atrium, 1968-78) and Fairview High School (1970). The Wagener addition is still visible at the rear of the church, shown in Figure 5 behind a 1980s façade addition designed in a neo-traditional design consistent with the original church.



*Figure 4:
the Hobart Wagener “organic” form addition of 1966 with original church outlined in yellow*



*Figure 5:
Rear portion of Wagener addition remains intact and is visible*

While the original historic portion of the church remains intact and holds historic significance as having been designed by one of city’s first women architects, the Planning Board also discussed the importance of the Wagener addition. Because the property is eligible for designation as a local historic landmark, a condition of the Site Review approval requires application to landmark the property. The intent to preserve the historic resources on the property was found to be an important community benefit associated with the proposed project.

Proposed In-Fill Project. As shown in Figure 6, the proposed redevelopment of the existing surface parking lot is planned three phases. The first phase is planned to include 16 attached senior residential units on Mapleton Avenue and construction of partially below grade/structured parking, along with church’s Fellowship Hall along Broadway. The hall would also be available for other community groups as meeting space. The second phase is planned for church offices and office space also available for other non-profit organizations. A Management Plan was prepared by the church for the planned use of these spaces. The third phase is proposed as eight additional multi-family residential units also planned as permanently affordable units. Other project images are shown in Figures 7 and 8. With a total of 24 dwelling units, and a planned FAR of just under 1.0, the project requires approval of Ordinance 7978 by City Council to amend density and floor area ratio standards of the BT-2 zoning.

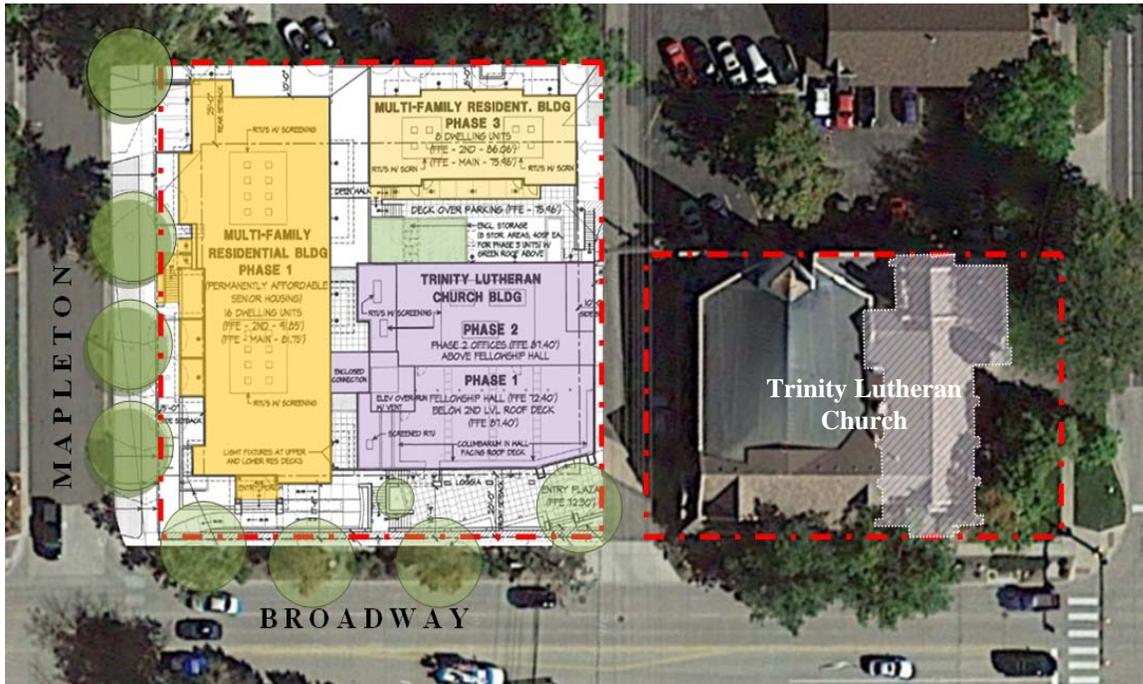


Figure 6: Site Plan and Relationship to Existing Church



Figure 7: Perspective Sketch looking toward northeast at the proposed project

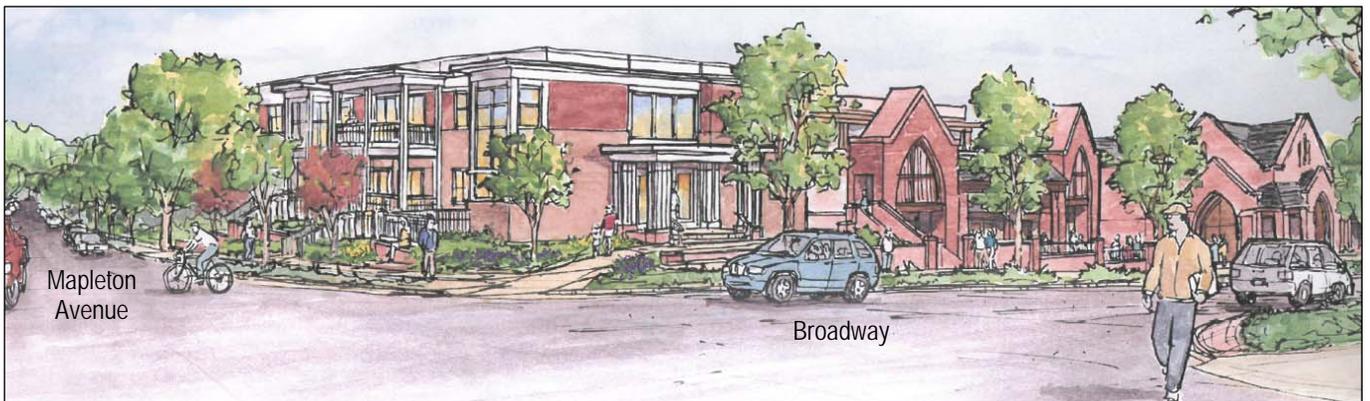


Figure 8: Perspective Sketch looking toward southeast at the proposed project

ANALYSIS:

The city has considered ordinances from time to time to modify city standards when a circumstance necessitated exceptions where either a public benefit would arise from the exception or an undue hardship on a property owner could be avoided. In the case of Trinity Commons, it is to allow the requested number of units and floor area for a project with a high percentage affordable dwelling units in proximity to downtown as well as several other community benefits related to social sustainability. Allowing affordable housing projects in appropriate locations has necessitated deviations from code in the past. In addition to the approval of the previously adopted Ordinance 7516 for the similar project on the site, other examples of projects that had Land Use Code deviations through ordinance include those associated both with annexation and as standalone ordinances. These examples include projects where the community benefits, particularly affordable housing, were compelling enough to allow code variations through ordinance:

- *Foothills Affordable Residential Development*: An ordinance that permitted an open space reduction to allow 130 dwelling units all built as permanently affordable units.
- *The Nomad Project at Quince and Broadway*: Ordinance through annexation allowed for an increase in number of units from five to eleven to permit three of the units to be permanently affordable to low income households and an additional four units to be permanently affordable to middle income households.
- *Iris Hollow*: Annexation ordinance established RM-3 zoning which allowed a greater number of units than originally anticipated for the site. The zoning permitted a diversity of housing types and the inclusion of 19 permanently affordable to low income households, as well as units affordable to middle income households.
- *Habitat/Violet Hollow*: Ordinance through annexation that allowed density increase in exchange for a development of 100% permanently affordable housing.

For most of the above examples, the use of the ordinance was to modify a singular aspect of the code to permit the project. The Trinity Commons ordinance would allow additional units as well as greater floor area. It is important to note that the Trinity Commons Site and Use Review approvals simultaneously impose restrictions on the site and the approval includes a requirement for the applicant to apply to landmark the historic portion of the church.

The proposed ordinance would not be a rezoning and would be wholly specific to the Trinity Commons project. What this means is that if the ultimate project did not conform to the stipulations of the ordinance, the ordinance would expire and any subsequent developer and/or different plan would have to conform to the existing BT-2 zoning.

Community Benefits through Approval of Ordinance. The ordinance would permit the construction of up to 24 permanently affordable residential units, or 100 percent of the planned and allowed units. This is considered the primary community benefit that far exceeds a base standard of 20 percent of the units built to meet the Inclusionary Housing goals.

The other community benefits identified with the proposed project include the planned Fellowship Hall, a space that serves both the church and as community space. Similarly, the planned office space will serve the church as well as other non-profit organizations. Both of these amenities provide benefit to the larger community. The lack of large community meeting space around downtown Boulder is well known and availability of additional space will benefit the community. Further, with high demand and leasing rates for office space in the downtown, the office space available to the other non-profit organization is a community benefit.

Given the finding that the church has notable historic value for its association with one of the first women architects in Boulder as well as association with local modernist architect, Hobart Wagener, the intent to apply to landmark the historic portions of the church is also considered an important community benefit. Another recognized community benefit is that the proposed project will allow the 100+ year old church congregation to remain in Boulder through the expansion of their Fellowship Hall meeting space and church offices. The church acknowledges that part of their mission is to build affordable housing and therefore, the opportunity to enhance the usability of the church and simultaneously do mission work locally, is considered an important community benefit and one that furthers social sustainability goals.

Consistency with BVCP Policies. As a mixed use development on a major transit corridor that will provide ancillary uses for the Trinity Lutheran Church, along with 24 residential units proposed for permanently affordable housing and 16 of which are earmarked for senior housing, the project is consistent with a number of specific policies of the BVCP and in particular with following policies:

- 1.03 Principles of Social Sustainability
- 2.01 Unique Community Identity
- 2.03 Compact Land Use Pattern
- 2.10 Preservation and Support for Residential Neighborhoods
- 2.13 Protection of Residential Neighborhoods Adjacent to Non-residential Zones
- 2.14 Mix of Complementary Land Uses
- 2.16 Mixed Use and Higher Density Development
- 2.18 Role of the Central Area
- 2.24 Preservation of Historic and Cultural Resources
- 2.32 Physical Design for People
- 2.37 Enhanced Design for Private Sector Projects:
- 7.01 Local Solutions to Affordable Housing
- 7.02 Permanently Affordable Housing
- 7.03 Populations with Special Needs
- 7.09 Housing for a Full Range of Households
- 7.13 Integration of Permanently Affordable Housing
- 8.05 Diversity

Conclusion. Staff finds that the proposed project as permitted through Ordinance 7978 is consistent with the Boulder Valley Comprehensive Plan would provide important community benefits that could further social sustainability.

Approved By:

Jane Brautigam
City Manager

ATTACHMENTS:

- A. Ordinance No. 7978

ORDINANCE NO. 7978

AN ORDINANCE GRANTING AUTHORITY TO THE APPROVING AUTHORITY UNDER TITLE 9, "LAND USE CODE," B.R.C. 1981, TO APPROVE A DEVELOPMENT THAT MAY EXCEED THE MAXIMUM RESIDENTIAL DENSITY AND THE MAXIMUM FLOOR AREA RATIO FOR A PROPERTY IN THE BUSINESS – TRANSITIONAL 2 DISTRICT (BT-2), LOCATED AT 2200 BROADWAY, GENERALLY CALLED "TRINITY COMMONS;" AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS THAT WILL SECURE AFFORDABLE HOUSING AND OTHER LAND USES THAT WILL PROVIDE FOR COMMUNITY NEEDS; REPEALING ORDINANCE NO. 7516; AND SETTING FORTH RELATED DETAILS

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

A. On May 1, 2007, the City Council adopted Ordinance No. 7516, which granted authority to the approving authority under Title 9, "Land Use Code," B.R.C. 1981, to approve in Site Review a Trinity Commons Project, to be located at 2200 Broadway in the Business-Transitional District (BT-2), with modifications to residential density and floor area limitations provided that the overall development plan was consistent with Concept Plan No. LUR2006-00103 and the site review criteria set forth in Section 9-2-14(h), B.R.C. 1981. The ordinance also required that at least 50% of residential units on the Property be permanently affordable.

B. The national financial crisis following the adoption of Ordinance No. 7516 negatively affected the financial feasibility of the affordable housing configuration proposed in Concept Plan No. LUR2006-00103 and required under Ordinance No. 7516 for the property owner, a Colorado non-profit corporation.

C. In 2013, a Site Review application was filed for a Trinity Commons Project ("Project") under case No. LUR2013-00048 with modified plans for affordable housing rendering the overall development plan again financially feasible. This ordinance addresses the changes to the plans for affordable housing that were a prerequisite under Ordinance No. 7516. The Planning Board voted to conditionally approve Site Review LUR2013-00048 on May 1, 2014, with the condition that an ordinance is passed by City Council authorizing modifications to the residential density and floor area ratio limitations necessary for the approval of LUR2013-00048.

D. This ordinance shall repeal Ordinance No. 7516 and authorize the land use modifications necessary for the approval of Site Review No. LUR2013-00048.

E. This ordinance shall be effective only as to the parcels of land generally described as 2200 Broadway that are located between Mapleton Avenue and Pine Avenue on the east side of Broadway, which are approximately 34,746 square feet in size, more particularly described in Exhibit A, incorporated into this ordinance by this reference (the "Property").

F. This ordinance shall only be applicable to the owner of the Property, Trinity Evangelical English Lutheran Church, a Colorado non-profit corporation (the "Owner") or its successor.

G. The Project, although inconsistent with the underlying residential density and floor area limits of the BT-2, Transitional Business zoning district, is:

1. Consistent with the high density residential land use designation along Broadway;
2. Consistent with community policies contained within the Boulder Valley Comprehensive Plan related to affordable housing and neighborhood compatibility;
3. An opportunity to create affordable housing and community meeting and office space for non-profit entities near downtown Boulder; and
4. An opportunity to retain the church use downtown and landmark its historic building.

1 H. The Planning Board reviewed this ordinance on May 1, 2014, and after a public hearing,
2 recommended that the City Council adopt this ordinance.

3 I. Allowing the Project on the Property by the Owner with modifications to the density and floor
4 area limits of the BT-2 district that is otherwise in compliance with the Boulder Valley Comprehensive Plan, the
5 Project is in the interest of the public health, safety, and welfare.

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

8 Section 1. Ordinance No. 7516, adopted by the City Council of the City of Boulder on May 1, 2007,
9 is hereby repealed.

10 Section 2. The City Council finds that allowing the modifications to the density and floor area limits
11 of the BT-2 zoning district described in this ordinance for the Property is in the interest of the public health, safety,
12 and general welfare of the City of Boulder and consistent with the goals and policies of the Boulder Valley
13 Comprehensive Plan.

14 Section 3. The City Council authorizes the approving authority, as described in Title 9, "Land Use
15 Code," B.R.C. 1981, to modify the dwelling unit per lot area and floor area ratio requirements of Section 9-8-1,
16 "Schedule of Intensity Standards," B.R.C. 1981, for the BT-2 zoning district for the Property as a part of the
17 approval for Site Review LUR2013-00048 or for a site review with an overall development plan for the Property
18 that is consistent with the basic intent of the plans dated Feb. 3, 2014 on file in the City of Boulder Planning
19 Department for the Project, subject to the following:

- 20 a. The approving authority finds that the application meets all the requirements of its laws, except as modified
21 by this ordinance, including the requirements necessary for the approval of a site review. The approving
22 authority for the initial site review approval shall be either the Planning Board or the City Council.
- 23 b. The residential density of the development on the Property shall not exceed 24 residential units. The floor
24 area of the development on the Property shall not exceed a 1.0 floor area ratio.
- 25 c. The approximately 5,015-square foot community meeting space area and the approximately 2,775-square
foot office space shall be considered accessory uses of the church and shall be used in accordance with a
management plan, subject to review and approval of the city manager. The Owner must operate these
spaces for uses that are accessory to the religious assembly use and/or for uses that support non-profit
organizations or other community uses.
- d. The Owner submits an application that is consistent with Chapter 9-11, "Historic Preservation," B.R.C.
1981 to have the historic church portion of the Property designated as an individual landmark and pursues
that application in good faith.
- e. Any conditions required by this ordinance shall be included in the site review disposition approving the
Project.

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Section 4. Prior to the application for each and any residential building permit pursuant to an approval under this ordinance, the Owner shall execute deed restricting covenants and other agreements, in a form acceptable to the City Manager, to ensure that all dwelling units being constructed per that permit on the Property shall be permanently affordable and meet or exceed the standards of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981. Not less than sixteen dwelling units shall be constructed on the Property as part of an approval under this ordinance.

The City Manager may modify the requirements on this section if the Owner demonstrates that it can, through an alternative plan, provide an affordable housing benefit equivalent to the benefit set forth in this section.

Section 5. This ordinance does not limit the ability of an approving authority to modify other development standards through the Site Review process. In the event that the Site Review application is called up for review by the City Council, the City Council retains the authority granted by this ordinance to permit the modifications stated herein. This ordinance shall expire immediately if a site plan is approved that is found to be inconsistent with the Project or the conditions of this ordinance, or if the Owner allows a site review approval consistent with this ordinance to expire under the requirements of Chapter 9-2, "Review Processes," B.R.C. 1981.

Section 6. This ordinance shall be considered an amendment to Title 9, "Land Use Code," B.R.C. 1981. To the extent that this ordinance conflicts with any other ordinance of the city, such ordinance shall be suspended for the limited purpose of implementing this ordinance. Nothing in this ordinance shall be construed as a waiver of the City's police power.

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

Section 8. The City Council deems it appropriate that this ordinance be published by title only and orders 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
20th day of May 2014.

Mayor

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Attest:

City Clerk

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

TITLE ONLY this _____ day of _____, 20____.

Mayor

Attest:

City Clerk

Attachment A: Legal Description

LEGAL DESCRIPTION

THAT certain property, generally located at 2200 Broadway Avenue, Boulder, Colorado, 80302, in the City and County of Boulder, State of Colorado, and more specifically described as follows:

Parcel A:

All of Lots 4, 5 and 6, Block 149, Boulder, together with a strip of land 10 feet wide off the south side of Hill Street (now Mapleton Avenue) in the City of Boulder and contiguous to the north line of said Lots 4, 5, and 6, as vacated by Deed from the City of Boulder to the Trustees of the Seventh Day Adventist Church, recorded February 27, 1891 in Book 113 at Page 549 and by Ordinance No. 1069 recorded July 29, 1926 in Book 547 at Page 269 and re-recorded March 9, 1940 in Book 684 at Page 335 and described as follows:

Beginning at the northeast corner of said Lot 4; thence northerly along the easterly line of said Lot 4 extended northerly, a distance of 10 feet; thence westerly, parallel to the northerly line of said Lots 4, 5, and 6, a distance of 150 feet, more or less, to a point on the westerly line of said Lot 6 extended northerly; thence southerly, along the westerly line of said Lot 6 extended northerly, a distance of 10 feet to the northwest corner of Lot 6; thence easterly, along the northerly line of said Lots 4, 5, and 6, a distance of 150 feet, more or less, to the northeast corner of said Lot 4, and the Point of Beginning.

Parcel B:

Lot 7 and the Westerly 45 feet of Lot 8, Block 149, Boulder, except the East 5 feet along said Lot 8 as conveyed by Alonzo Macky to A. J. Chittenden by Deed recorded June 4, 1880 in Book 58 at Page 349.

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**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 3, 2014

AGENDA TITLE: City Office Space Update

PRESENTER/S

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

David Driskell, Executive Director of Community Planning

Maureen Rait, Executive Director of Public Works

Don Ingle, Information Technology Director

Paul Leef, Boulder Civic Area Redevelopment Project Manager

Joe Castro, Facilities and Fleet Manager

EXECUTIVE SUMMARY

Downtown city staffing needs continue to grow due to the number of significant efforts included on the city's work plan. The downtown office space study conducted as part of the Civic Area planning process identified a shortfall of 30,000 square feet (sf) in just the downtown area. Although space planning for replacement facilities for the Park Central and New Britain buildings will begin this year as part of the implementation of the Civic Area Plan, funding of such facilities are years away, and the need for an additional 36 office spaces in the downtown campus has been identified for the near-term. It is not realistic to add these many spaces into the already crowded buildings used by city staff downtown. Leased space options are being considered for workgroups that will not greatly impact public services or staff affinities.

STAFF RECOMMENDATION

As outlined in Option 1 in **Attachment C**, staff requests council support to lease new office space for the IT Department. If the current spaces available for lease don't align with the needs identified for the IT Department, other options in this memo will be explored. Renovations to the Municipal Building lobby are also recommended to accommodate additional staff.

Suggested Motion Language:

Consideration of a Motion to proceed with recommended actions to address city office space needs in order to improve customer service.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Taxpayer and rate payer money will be used to lease property for additional work space needs for city employees. This should not have an impact on the local economy or utility rates.
- Environmental: Any new leased space will require tenant finishes to prepare the space for the workgroups using it. Facilities and Asset Management (FAM) uses environmentally friendly contractors and products in office renovation projects. Depending on the location of leased space chosen, it may influence the travel choices of those who work there.
- Social: There are no social impacts expected for the options considered. Workgroups considered for relocation to leased space are not those that have a significant public interface.

OTHER IMPACTS

- Fiscal - Currently, available leased properties range from \$315,000 to \$750,000 in first-year costs for rent, tenant finishes, utilities and IT connectivity. These first-year costs will be allocated among the following funds based on 2014 staff and office space needs in the Park Central and New Britain buildings (see **Attachment A**).
 - General Fund (39%): \$395,000 - \$565,000
 - Transportation Fund (25%): \$80,000 - \$190,000
 - PD&S Fund (20%): \$88,000 - \$175,000
 - Utilities Fund (9%): \$30,000 - \$70,000
 - Housing Fund (6%): \$19,000 - \$45,000

Office space needs in the Municipal Building are estimated at \$270,000, which will be paid out of the General Fund. For the Atrium Building, \$25,000 is necessary to accommodate space needs and will be funded by the Planning and Development Services (PD&S) fund. Total funding from all 2014 funds will range from \$612,000 to \$1,045,000. Staff recommendations identify the lowest cost option in moving forward.

- Budgetary – Beyond first-year costs, there will be lease and utility costs ranging from \$145,000 to \$563,000. Staff will prioritize this budget need within existing funds.
- Staff time – This work is part of the normal work plan.

BACKGROUND

As of early 2013, the city had approximately 400 employees in the downtown campus. These employees worked in several buildings including the Municipal, New Britain, Main Library, Park Central, West Senior Center, Atrium and two small buildings along 13th Street. In addition, the city leases office space on 14th Street for the Energy Future and the TBBI project teams.

Approved in the fall of 2013, the Civic Area Vision Plan call for the New Britain and Park Central buildings be vacated and demolished (in the long term) due to their location in the high hazard flood zone. A space study conducted as part of the Civic Area planning process

identified a shortage of more than 30,000 square feet of office and meeting space for existing staff and public needs (as compared to industry standards for office space). In early 2013, staff spaces were described as below standard, overcrowded and impairing employee productivity. Replacement facilities for city staff could range from a minimum of 60,000 to 120,000 sf, depending on what downtown functions would be consolidated into a single facility. The space study also identified affinities between many workgroups that function better when co-located. The study also found that groups providing internal support functions, such as IT and City Attorney's Office (CAO), were better candidates for relocation as they support all staff and don't necessarily need to be co-located with any one particular workgroup. These groups also have a very limited public interface and could be located in a less centralized, downtown location. More detailed discussions about these space needs and opportunities for enhancing the delivery of city services will begin later this year as part of planning for Phases 2 and 3 of Civic Area implementation.

In a [Feb 5, 2013 Council Agenda item](#), staff presented a plan to lease downtown office space for the CAO in close proximity to the municipal campus. Council members expressed concerns about the high costs of the leased space, the lease of potential store-front spaces on street level that might otherwise be used by retail businesses, and the desire to keep CAO functions in the Municipal Building.

ANALYSIS

In 2014 budget, positions were added that will require 24 additional downtown work spaces. These space needs are a result of an increase in staffing to support several efforts, including the passage of 2013 ballot items that include six for transportation funding, six for flood recovery efforts, one for the resiliency grant, and four with department position transfers. Additional staff for flood support, position transfers to the downtown area, and previous budget years add another 12 work space needs.

In total, there are 36 additional downtown office space needs for 2014. The needs for each building are shown in **Attachment A**. The biggest impacts are in Park Central where staff is co-located due to working affinities with other workgroups. Of the 36 total positions, 19 are standard positions and 17 are fixed term or temporary. The total space needs identified also include a few vacant positions that were previously located in other buildings or facilities that are now being repurposed and shifted to programs that are located in the downtown campus.

In late 2013 and early 2014, further study of the office space needs and affinities showed that some functions could relocate outside of Park Central as long as travel time was not prohibitive. Additionally, IT functions could still move out of the downtown area and maintain its internal services.

In light of City Council's previous guidance, staff has developed revised options to provide additional work and meeting spaces. These options would create space in the desired locations for the additional staff planned for 2014 as well as continue to support the affinities and collaborative needs for all the workgroups involved.

Municipal Building Renovations

Communication Division staff have been consolidated in the Channel 8 offices (north portion of the main library), to free up office space for the five additional staff in the Municipal Building.

While this consolidation helps, it does not meet the need of increased staff positions in Finance and Licensing.

To accommodate additional staffing and customer needs, additional renovations are recommended on the first floor of the Municipal Building (in the lobby area). This work would create a consolidated customer service desk for reception, Sales Tax and Utility Billing and also includes five additional office spaces. A rendering of a new central counter is shown in **Attachment B**. Work in the Municipal Building is estimated at \$270,000.

This potential work would temporarily eliminate the possibility of an east entry into the Municipal Building and connections to the Sisters Cities Plaza. As part of the Civic Area implementation, wayfinding and pedestrian connections to all parts of the downtown campus are being analyzed and planned. These connections will enhance the visibility of existing entries to the Municipal Building, with particular attention to security concerns and connecting and activating segregated elements. If the Municipal Building is repurposed in the future or an east entry is desired, the lobby can be reconfigured at that time.

MATRIX OF OPTIONS

Staff prepared four options for council consideration. In general, the options include IT leases office space, Transportation Division (engineering and planning) lease office space, CAO lease office space and Transportation Division (general transportation and traffic engineering) lease office space. A matrix of option including pros and cons of each can be found in **Attachment C**.

Municipal Building Renovations

For the five additional staff in the Municipal Building, offices were vacated with the consolidation of Communications staff into the Channel 8 offices in the north portion of the Main Library; however, that does not meet the need of an increase in staff positions, especially in Finance and Licensing. Additional renovations are recommended in the first floor of the Municipal Building Lobby to consolidate the service desks for Reception, Sales Tax and Utility Billing into one consolidated central counter, which also includes the addition of five office spaces. A rendering of a new central counter is shown on **Attachment B**. Work in the Municipal Building is estimated at \$270,000.

This new central counter does temporarily eliminate the possibility of an east entry into the Municipal Building and connections to the Sisters Cities Plaza. Wayfinding and pedestrian connections to all parts of the downtown campus is being planned for in the Civic Area Plan, which may help address the original concerns that were raised when the discussion of moving the Municipal Building entrance was raised. These connections will enhance the visibility of existing entries to the Municipal Building with security concerns in mind and connect and activate segregated elements. Should the Municipal Building be re-purposed in the future, the lobby can be reconfigured at that time.

STAFF RECOMMENDATION

Staff recommends Option 1 - leasing space for the IT Department. This is the lowest cost option and will have the smallest impact on workplace affinities.

If the lease spaces available don't align with the needs identified for the IT Department, other options in this memo will be explored.

ATTACHMENTS

A. 2014 Downtown Office Space Additions

B. Rendering of New Central Counter in Municipal Building Lobby

C. Matrix of Options

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Attachment A: 2014 Downtown Office Space Additions

Main Library (North) [+2]*

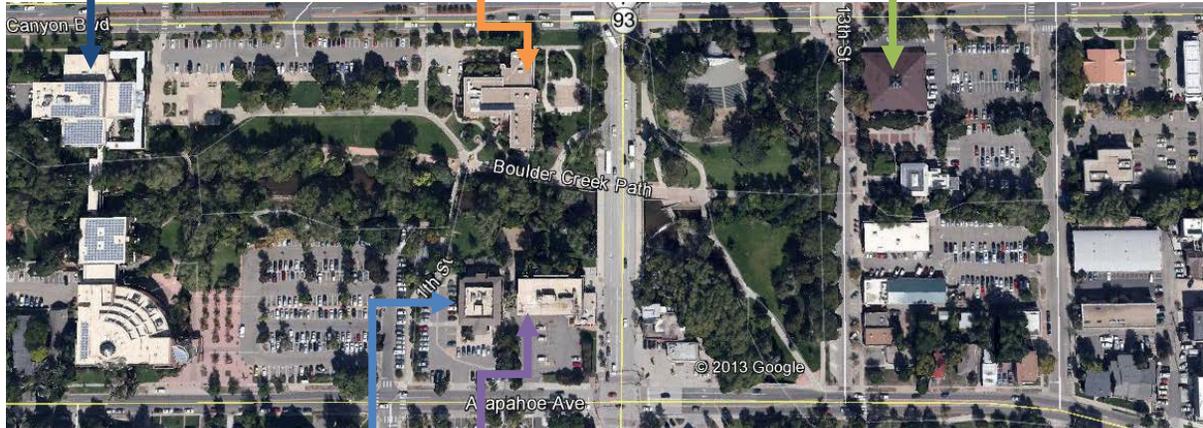
Communications (+2)

Muni Bldg [+5]

Communications (-2)
 CAO (+1)
 Budget (+1)
 Licensing (+2)
 Finance (+3)

Atrium [+4]*

Civic Area (+2)
 P&DS (+2)



New Britain [+5]

NB1: HR (+2)
 NB2: HS (+1)
 NB2/3: IT (+2)

Park Central [+20]

CP&S and Flood (+5)
 Trans (+6)
 Utilities (+2)
 P&DS (+4)
 PW Admin and Flood (+3)

Overall: +36

* The additional space needs in the Library and Atrium can be accommodated within existing areas in those buildings.

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Attachment B: Rendering of New Central Counter in Municipal Building Lobby



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Attachment C: Matrix of Options

Option 1: IT Lease Space

1. Move the entire IT Department (30 offices) out of the New Britain Building to a 7,000 sf leased space area.

Option 1a:

- Move Park Central 2nd Floor staff to New Britain – Transportation engineering (16 offices) and GO Boulder Transportation planning (13 offices), total of 29.
- Move the remaining Park Central workgroups and new staff into the 2nd floor vacated space.
- Provides five extra spaces in Park Central and one in New Britain for 2015 and beyond.

Option 1b:

- Move Transportation engineering (16 offices) and Utilities engineering (14 offices) to New Britain.
- Move the remaining Park Central workgroups and new staff into the 2nd and 4th floor vacated space.
- Provides six extra spaces in Park Central; none in New Britain for 2015 and beyond.

Option 1c:

- Move Community Planning and Sustainability (CP&S) and Public Works administration, which includes department directors, communications staff, administrative service manager, project manager, financial staff and flood staff (21 offices) to New Britain.
- Move the remaining Park Central workgroups and new staff into the 2nd and 4th floor vacated space.
- Provides no extra spaces in Park Central and nine in New Britain for 2015 and beyond.

PROs:

- Relocates the IT Department, which does not have close working affinities with other downtown staff offices or a need to interface with the public.
- IT staff have the flexibility to lease space further away from high rent areas and also operate in flexible office arrangements, which results in an overall smaller footprint of required leased space and thus, lower costs.
- Depending on which sub-option selected, provides for growth past 2014.

Estimated Annual Cost: \$145,000-200,000/year + moving costs (7,000 sf)

Option 2: Transportation engineering and planning Lease Space

1. Move Transportation engineering (16) and planning (10) = 26 total staff out of Park Central to leased offices in the downtown area.
2. Move the remaining Park Central workgroups into the vacated spaces.
3. Provides six extra spaces in Park Central for 2015+

PROs:

- Potential to maintain working affinities if leased space is relatively close to downtown office areas.

CONs:

- Leased office space close to current city offices are twice the cost and have limited parking opportunities.
- Limited future growth potential and overcrowding in New Britain will remain.

Estimated Cost: \$305,000-563,000/year + moving costs (8,730 sf-12,874 sf)

Option 3: CAO Lease Space

1. Move CAO (20) out of the Municipal Building into a leased facility in the downtown area.
2. Move Human Resources (HR) out of 1st floor New Britain into the CAO vacated space in the Municipal Building.
3. Move the Utilities engineering (17) and temporary CP&S and Water Resources staff (3) into the HR vacated space in New Britain.
4. Move remaining Park Central workgroups into vacated spaces.
5. Provides one extra space in New Britain; creates office deficiency (4) in Park Central.

PROs:

- Can maintain working affinities if leased space for CAO is relatively close to the downtown office areas.

CONs:

- Vacating 20 offices not provide space for 2014 needs.
- Leased office space for CAO close to current city offices are twice the cost and have limited parking opportunities.

Estimated Cost: \$600,000/year + moving costs (7,000 sf)

Option 4: Transportation and Traffic engineering Lease Space

1. Move Transportation engineering (16 spaces) and Traffic engineering (3 spaces) to a leased, non-downtown property.
2. Move the remaining Park Central workgroups into the vacated spaces.
3. Creates office deficiency (3) in Park Central.

PROs:

- Maintains affinity between Transportation engineering and Traffic engineering.
- Space located outside of the downtown area is less expensive and provides more parking opportunities.
- Potential to find suitable space on the eastern edge of downtown in between the downtown and the Municipal Services Center (Yards) where there are additional work affinities.

CONs:

- Does not provide space for 2014 needs
- Creates distance between these workgroups and other Park Central affinities (Utilities, Development Review, Comprehensive Planning and department leadership).
- Limited future growth potential and overcrowding in New Britain will remain.

Estimated Cost: \$400,000/year + moving costs (10,000 sf)



TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: June 3, 2014
SUBJECT: Information Packet

1. CALL UPS

None.

2. INFORMATION ITEMS

A. 2013 Neighborhood Permit Parking Program Annual Update

3. BOARDS AND COMMISSIONS

- A. Human Relations Commission – May 19, 2014
- B. Open Space Board of Trustees – May 14, 2014
- C. Transportation Advisory Board – April 14, 2014
- D. Water Resources Advisory Board – February 24, 2014
- E. Water Resources Advisory Board – March 17, 2014
- F. Water Resources Advisory Board – April 21, 2014

4. DECLARATIONS

- A. Alice Healy Day – June 7, 2014
- B. Peter Molnar Day – June 3, 2014



INFORMATION PACKET MEMORANDUM

To: Members of Council

From: Jane S. Brautigam, City Manager
Molly Winter, Director, Downtown and University Hill Management
Division and Parking Services
Eric Guenther, Assistant Parking Manager

Date: June 3, 2014

Subject: Information Item: 2013 Neighborhood Permit Parking Program Annual Update

EXECUTIVE SUMMARY

The purpose of this information packet is to provide the 2013 Annual Update of the Neighborhood Permit Parking (NPP).

The NPP program goals include improving the balance between preserving neighborhood character and providing public access to community facilities.

Expansions to the Mapleton Hill, Whittier and East Ridge NPP were initiated in early 2013. Specific to the Mapleton Hill NPP was the remodel of the Mapleton Early Childhood Center, which impacted the parking in the adjoining neighborhood. Acknowledging the needs of the community and the Boulder Valley School District, it was vital to get a true sense of the parking impact during construction and again, once the school was open. This created a significant delay in the process, which took the request for expansion into 2014.

In the Fairview NPP, a request to remove three block faces caused the neighborhood members to re-evaluate the purpose and the need of the NPP. After several months, those who initiated the petition requested that the Fairview NPP remain as it was established in 2002.

FINANCIAL

Since 2006, the Resident Permits have remained at \$17 annually. Each resident within a NPP may receive two free visitor permits with the purchase of a resident permit; along with guest permits, which are also free and available upon request. The cost of commuter permits has remained at \$78 quarterly or \$312 per year, while the cost of business permits remains \$75 annually.

Business permits make up three percent of the total permit sales for 2013, while commuter permits account for 58% and residential permits account for 39%. The sale of residential and commuter permits continue to maintain the financial support for the NPP program.

Revenue from the sale of commuter and resident permits is expected to cover the program costs with the goal of being revenue neutral. There were no NPP expansions during 2013, which is reflective of revenues exceeding expenses. Expenses vary year to year based on whether there are citizen requests for new zones or expansions requiring surveys.

2013 Revenue from Resident/Business/Visitor permits sales	\$ 41,289
2013 Revenue from Commuter permit sales	\$ 86,128
	\$127,417

2013 NPP Program Direct Expenses*	\$ 60,337
2013 Administrative Program Expenses	\$ 12,261
	\$ 72,599

*The NPP revenue and expenses do not include enforcement.

2013 Annual Permit Sales by Zone				
<u>Location</u>	<u>Resident</u>	<u>Business</u>	<u>Commuter</u>	<u>Total</u>
Columbine	\$ 3,451	\$ -	\$ 676	\$ 4,127
Fairview	\$ 442	\$ -	\$ -	\$ 442
Goss/Grove	\$ 5,474	\$ 975	\$ 9,926	\$ 16,375
High/Sunset	\$ 884	\$ -	\$ 1,418	\$ 2,302
Mapleton Hill	\$ 5,899	\$ -	\$ 23,511	\$ 29,410
University Hill	\$ 11,815	\$ 225	\$ 13,290	\$ 25,330
Whittier	\$ 7,786	\$ 600	\$ 24,953	\$ 33,339
West Pearl	\$ 1,995	\$ 525	\$ 12,354	\$ 14,834
East Ridge	\$ 646	\$ -	\$ -	\$ 646
University Heights	\$ 612	\$ -	\$ -	\$ 612
Totals:	\$ 38,964	\$ 2,325	\$ 86,128	\$127,417

Commuter permits sales have remained relatively consistent since 2002 with an average of \$47,805 of generated revenue. Since 2002, permits sold average 630 per year or 157 per quarter.

Commuter Permit Sales by Year				
Year	Fee	Revenue	Permits Sold	Per Quarter
2004	\$ 78	\$ 47,637	611	152
2005	\$ 78	\$ 43,418	557	139
2006	\$ 78	\$ 44,053	565	141
2007	\$ 78	\$ 48,413	621	155
2008	\$ 78	\$ 49,186	631	158
2009	\$ 78	\$ 46,592	597	149
2010	\$ 78	\$ 47,174	605	151
2011	\$ 78	\$ 48,689	624	156
2012	\$ 78	\$ 60,427	775	194
2013	\$ 78	\$86,112	1,104	276

EXPANSIONS

There were three NPP expansions that began in 2013 and will be finalized in 2014, these include:

- Mapleton Hill NPP
 East & West sides of the 2300 block of 7th 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.

- Whittier NPP
 East side of the 2000 block of 18th St.

- East Ridge NPP
 North side of the 2800 block of Pennsylvania Ave.

- Fairview NPP
 A petition was submitted to remove the South side of 3600 to the 3700 block of Longwood Ave. but the residents of this NPP reconsidered and this proposed removal was withdrawn.

UTILIZATION

In the ten NPP zones operated in 2013, there were approximately 775 commuter spaces available, of which 276 annual (1,104 quarterly) commuter permits were sold.

Relationship between NPP Program & Adjacent Parking Supply/Demand				
Location	Inventory	Sold	Cost Per Year	Wait List
CAGID Structures	2209	2102**	\$ 1,020	179
CAGID Surface Lots	203	258	\$ 620	85
UHGID Surface Lot	49	59	\$ 564	1
Total NPP Commuter	1,104	276	\$ 312	N/A
Columbine	260	2		
Fairview	20	0		
Goss/Grove	38	32		
High/Sunset	43	5		
Mapleton Hill	75	75		
University Hill	128	43		
Whittier	173	72		
West Pearl	38	40		
East Ridge	0	0		
University Heights	0	0		
NPP Residential	N/A	2292	\$ 17	N/A
* Data as of 1/04/2014				
** Balance maintained for short-term parking.				

THE STATUS OF ALTERNATIVE MODE STRATEGIES

2013 total ridership was down -.2% compared to 2012 totals. According to RTD's fare box data, average weekday passengers served on the CTN for 2013 was as follows:

<u>2013 Average Daily Passengers Served CTN</u>		
SKIP	5,102	1.5% decline from 2012
JUMP	1,810	4% decline from 2012
BOUND	1,437	5% decline from 2012
DASH	2,334	6% decline from 2012
HOP	2,874	.15% decline from 2012
STAMPEDE	1,185	16% increase from 2012
BOLT	1,690	5% increase from 2012
TOTAL	16,432	

(52% of Boulder's total daily passengers served in 2013)

NPP ENFORCEMENT

Revenues from NPP tickets make up approximately 14% of the City’s total ticket revenues, while accounting for 50%-60% of the total enforcement resources. The remaining 86% of ticket revenues comes from all other types of enforcement using the remaining 40%-50% of the enforcement resources.

Citations Issued in NPP Zones for Time Restriction		
Year	Days of Enforcement	Number of Citation Issued
2004	620	10,462
2005	635	11,629
2006	587	9,819
2007	588	8,613
2008	599	11,529
2009	485	9,125
2010	477	11,913
2011	688	12,810
2012	740	15,296
2013	793	12,723

There was a 17% decrease in the number of citations issued from 2012 to 2013, which was the result of the License Plate Recognition system was not being operational for six months. The LPR system normally provides twice the coverage of a NPP zone, generally patrolling two NPP zones. When operational, the LPR has the capacity to read over 5,000 license plates and can detect overtime violations, scofflaw violations and identifies cars without NPP permits. In 2012 we saw a 19% increase due to the use of the LPR system.

2013 Enforcement by Zone			
Locations	# of Days	Citations	Daily Average
University Hill	196	6,326	32
Mapleton/West Pearl	115	1,334	12
Whittier/High Sunset	109	2,187	20
Columbine/Fairview/East Ridge *	135	481	4
Whittier Nights	19	998	52
Goss/Grove*	110	881	8
Total		12,723	21
* Enforcement varies depending on staffing levels			

In 2013, Parking Services wrote 98,683 tickets of which 12,723 (13%) were issued for NPP violations. A total of \$2,209,962 in parking violations was collected in 2013. If all tickets for NPP violations were collected at the average rate of \$20, the total revenue would be \$254,460. In addition, 914 tickets were voided or warnings were issued in an attempt to educate customers about the rules of the NPP zones. All ticket revenue and enforcement costs are allocated to the General Fund and are not reflected in the NPP program revenue or expenses.

<u>Fine:</u>	<u>Violation:</u>
\$15.00	Expired Meter, Parking where sign prohibits
\$20.00	Parking beyond the posted time restriction without a permit (NPP)
\$25.00	Parking in a Loading Zone or alley
\$112.00	Parking in a Handicap Space

2014 WORK PLAN

The NPP 2014 Work Plan includes:

- Maintain the current NPP Program service levels in 2013.
- Complete the expansions in Mapleton Hill, Whittier and East Ridge NPPs.
- Review additional requests to expand Mapleton Hill NPP.
- 2014 Annual Update
- As part of the Access and Parking Management Strategy (AMPS), the cost of permits will be reviewed as well as the process for zone expansions.

The 2014 NPP Program allocated \$15,000 for implementation of the possible expansion of existing zones and for the establishment of new zones.

Cc: Transportation Advisory Board

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Human Relations Commission
DATE OF MEETING: May 19, 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, Peter Osnes Staff – Karen Rahn, Carmen Atilano, Kim Pearson Commissioners absent - José Beteta (attending Bd a& Commission orientation)
WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]
AGENDA ITEM 1 - CALL TO ORDER – The May 19, 2014 HRC meeting was called to order at 5:59 p.m. by A. Zuckerman.
AGENDA ITEM 2 – AGENDA ADJUSTMENTS – None.
AGENDA ITEM 3 – APPROVAL OF MINUTES – S. White moved to accept the Apr. 21, 2014 minutes. P. Osnes seconded the motion. Motion carries 4-0.
AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items) – None.
AGENDA ITEM 5 – ACTION ITEMS A. 2014 Community Impact Fund Applications <ol style="list-style-type: none"> 1. Boulder History Museum – S. White moved to fund the Request for Proposal in the amount of \$2,000. E. Pollauf seconded the motion. Motion carries 4-0. B. Letter of Support to BVSD– S. White moved to approve the letter of support. P. Osnes seconded the motion. Motion carries 4-0. Upon input of City Attorney, submit letter of support for transgender bathroom accomodation either to the BVSD School Board or City Council for approval
AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS A. 2014 HRC Work Plan <ol style="list-style-type: none"> 1. Living Wage Policy Update – Commissioners and staff discussed next step in researching living wage policy. Denver representatives will be invited to June HRC meeting. 2. Update on MEI Review – Commissioners and staff discussed the follow up on the Municipal Equality Index review by HRC sub-committee. 3. Legislative Update – C. Atilano explained that the current status of SB 14-005 and HB 14-1124, two bills that HRC recommended to City Council for support. 4. Celebration of Immigrant Heritage RFP – C. Atilano explained that the Celebration of Immigrant Heritage Week has been moved to the first week of October and will not be connected to the first anniversary of the flood. 5. July HRC Meeting – C. Atilano confirmed that the July HRC meeting will take place at Out Boulder. B. Homeless Update – K. Rahn provided information on the city’s work to address homelessness. C. Event Reports D. Bolder Boulder – Commissioners and staff discussed community feedback to the Bolder Boulder “Sea Level is for Sissies” shirt. E. Event Reports <ol style="list-style-type: none"> 1. YOAB Outstanding Youth Volunteer Award Reception – E. Pollauf, A. Zuckerman, and J. Beteta attended and enjoyed the event, held at Ají Restaurant. F. Follow Up Tasks – 1) Enter into Community Impact Fund contract in the amount of \$2,000 with Boulder History Museum; 2) Upon input of City Attorney, submit Letter of Support either to the BVSD School

Board or City Council for approval; 3) Prepare next steps for living wage issue by following up on Denver's living wage ordinance and inviting CU Boulder sociology professor to attend June HRC meeting; 4) Follow up on the Municipal Equality Index review by HRC sub-committee; 5) Send commissioners the city website links on the homeless issue; 6) Speak with City Manager about the possibility of revisiting the issue of park closures; 7) Host an off-site HRC meeting in relation to the issue of homelessness, at a homeless advocacy organization; and 8) Provide updates on Bolder Boulder t-shirt issue.

AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS – None.

AGENDA ITEM 8 – Adjournment – E. Pollauf moved to adjourn the May 19, 2014 meeting. **P. Osnes seconded** the motion. **Motion carries 4-0.** The meeting was adjourned at 7:27 p.m.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: The next regular meeting of the HRC will be June 16, 2014 at 6:00 p.m. in City Council Chambers, 1777 Broadway St.



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: May 14, 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: Mike Patton, Jim Reeder, Dave Kuntz, Lisa Dierauf, Steve Armstead, Mark Gershman, Alycia Knutson, Annie McFarland, Lynn Riedel, Leah Case, Michele Gonzales, Alyssa Frideres, Paula Marie Lewis, Jayne Basford			
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL
SUMMATION:			
AGENDA ITEM 1- Approval of the Minutes Shelley Dunbar moved to approve the minutes from May. 9, 2014 as amended. Kevin Bracy Knight seconded. This motion passed unanimously.			
AGENDA ITEM 2- Public Participation Bill Briggs, Boulder, said Open Space staff needs to be commended highly for opening trails so quickly after the flood. He said there is a lot of work that still needs to be done on the system and suggested a program which would allow users to freely do basic trail maintenance. Jim Knopf, Boulder, asked the Board to discuss possible trail construction for Skunk Canyon. Eileen Monyok, Boulder, asked about the changes to the Voice and Sight Tag Program, and how those who are already a part of the program would register. Mike Barrow, Boulder Mountain Bike Alliance (BMA), gave an update on the Smart Trail application. He also voiced his support for Bill Briggs volunteer trail work program.			
AGENDA ITEM 3- Director's Updates Lynn Riedel, Plant Ecologist, gave a presentation on the ecological best management practices for trails.			

Lisa Dierauf, Community Outreach Supervisor, and Steve Armstead, Environmental Planner, gave an update on the Voice and Sight Tag Program implementation changes.

Dave Kuntz, Resource Systems Division Manager, Acting, gave a first quarter update on the 2014 Work Plan.

Mark Gershman, Environmental Planning Supervisor, gave an update on Greenways.

AGENDA ITEM 4- Matters from the Board

Molly Davis gave an update on the resilience strategy workshop she attended.

AGENDA ITEM 5 – Recommendation to enter into a revocable nonexclusive license pursuant to Boulder City Charter Section 171(a) and Section 175(h) between Open Space and Mountain Parks and Thomas and Beth Heinrich located at 3173 Third St., Boulder CO to perform mitigation work related to damage caused by a land slump as a result of the extreme rainfall event of Sept. 11-14, 2013.*

Jim Reeder, Land and Visitor Services Division Manager, gave a presentation on a revocable nonexclusive license to perform mitigation work due to a land slump that flowed from Open Space into the Heinrich property.

This item spurred one motion:

Shelley Dunbar moved the Open Space Board of Trustees recommend that the department grant a revocable, nonexclusive license to Thomas and Beth Heinrich located at 3173 Third St., Boulder CO to perform mitigation work as described in Attachment B related to damage caused by a land slump as a result of the extreme rainfall event of Sept. 11-14, 2013. Kevin Bracy Knight seconded. This motion passed unanimously.

AGENDA ITEM 6 – Consideration of an approach to repairing flood damage to the Royal Arch Trail*

Mike Patton, Director, OSMP, gave an update to the Board on the possible options for repair on Royal Arch Trail.

ADJOURNMENT: The meeting adjourned at 9:37 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 June 11, 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: 14 April 2014	
Contact Information Preparing Summary: Laurel Olsen-Horen 303.441.3203	
Board Members Present: Andria Bilich, Dom Nozzi, Daniel Stellar, Zane Selvans, Jessica Yates Board Members Absent: none	
Staff Present: Stephany Westhusin, Mike Gardner-Sweeney, Molly Winter, Downtown and University Hill Management Division / Parking Services Director Kathleen Bracke, GO Boulder Manager Randall Rutsch, Senior Transportation Planner Marni Ratzel, Senior Transportation Planner Chris Hagelin, Senior Transportation Planner Micki Kaplan, Senior Transportation Planner Sam Assefa, Senior Urban Designer Bryant Gonsalves, Engineering Project Manager Noreen Walsh, Senior Transportation Planner Brett KenCarin, Senior Environmental Planner (Comprehensive Planning) Laurel Olsen-Horen, Board Secretary	
Consultants	
Present: Tom Brennan, Nelson Nygaard	
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 10 March 2014	[6:02p.m.]
Motion to approve the meeting minutes from 10 March 2014 TAB meeting as amended: Motion by: Nozzi, Seconded by: Selvans Vote: 4:0 Board member Stellar abstained.	
Agenda Item 3: Swearing in of new member.	[6:02p.m.]
New board member Dan Stellar was sworn in.	
Agenda Item 4: Election of Board Officers	[6:04 p.m.]
Board member Bilich nominates board member Yates as chair, seconded by Nozzi Vote: 5:0 Board member Yates nominates board member Selvans as vice-chair, seconded by Bilich Vote: 5:0 The board secretary position is held by a city staff member.	
Agenda Item 5: Public Participation	[6:06 p.m.]
Joe McDonald: Mr. McDonald was a member of the first TAB. He wished to express his gratitude for all that has been done since his tenure. Mr. McDonald would like to see the Centennial Trail (east of Eisenhower Drive along Pennsylvania Ave,) improved. There is a 100-foot gap of the trail alongside the school property. Is there any plan for the city to acquire easements along those properties to develop the missing link? Staff response: Staff looked into improving the Centennial trail about 12 years ago to make the suggested connection along the Wellman Canal. The adjacent property owners and the city were not able to come to an agreement in order to move forward. Staff can look into the alternative suggested alignment.	
Agenda Item 6: Public hearing and TAB consideration of a recommendation to City Council for the TMP Update in preparation for the City Council Study Session on April 29th	[6:11 p.m.]
Randall Rutsch presented item to the board.	

Power point presented for this item.

Executive Summary from Packet Materials:

This memo shares the draft memorandum for the April 29, 2014 City Council Study Session on Transportation Master Plan Update. The study session materials have been prepared to highlight the work of the last six months in each of the TMP Focus Areas and the purpose of the Study Session is to receive feedback from council.

Staff requests that TAB:

- Provide comments on the draft memo and presentation for the April 29, 2014 Study Session

Board discussion and comments included:

[6:41p.m.]

- Kudos to staff for a great presentation.
- Make sure to stay cognoscente of your audience when using terminology language.
- The measureable objectives; there was great information in the memo, but not the presentation.
- How are we looking at different tools (i.e. traffic calming?) Protected bike lanes are only affective for a small section of the city and does not encourage more riders.
- The plan should have a vision map for road dieting/traffic calming. Be more specific about our efficient parking plans.
- The effectiveness of the TMP and how it can be used with affordable housing. Transportation is related to affordable housing – that message should be conveyed to council.
- 1st and final mile goals would be more affectively achieved by the city if we were to transform land use patterns especially along important transit hub locations.
- 20% roadway congestion is counterproductive. Other states are moving away from that. When citizens change their behavior due to congestion, it's usually good. When governments respond to traffic congestion, they do bad things like widening roadways to ease traffic flow. Fighting against congestion is counterproductive.
- Safety as an objective – too often addressing safety allows for drivers to go faster which in turn reduces safety. Safety needs to be tailored to ensure we are not creating unintended consequences.
- Looking at the Community-wide EcoPass is a good thing to move forward, do we think it will make the transit more cost effective and will it provide a higher level of service? This is a huge selling point council should be aware of.
- Changes to parking prices could give you 1/6 of the benefit that the capital investment will get you. Spending money vs. spending political capital – spending money is the easy choice. However spending political capital would allow getting us way more out the system we have if we're willing to push for those types of things. The whole point of a master planning process is to push for those things. We should recommend pushing in this direction.
- Previewing the options council is going to look at in July would be the best way to spend the study session.
- Living Laboratory; staff is accepting comments from the public through 2014, perhaps not making it a key question for council at this time would be a better use of the study session time.
- The EcoPass solution and BRT would change things for the regional commuter, it's pretty striking, we are getting more bang for the buck by targeting employees rather than residents. Knowing the investment and the expected outcome would be beneficial for council. Sometimes our best money is spent elsewhere (i.e. a first mile bike shelter in Denver.)
- Storytelling is a very effective way to present information.

Public Comment:

None

Agenda Item 7: Staff briefing and TAB input regarding the Baseline Underpass CEAP

[7:14 p.m.]

Noreen Walsh presented item to the board.
Power point presented for this item.

Executive Summary from Packet Materials:

This Baseline Underpass project was included as a part of the Transportation Master Plan (TMP) project list, recommended by the Board and approved by council for both grant funding and inclusion in the Transportation Capital Improvement Program (CIP). Planning and design of the Baseline Road Underpass Project began in 2012. The scope of work includes a new bicycle and pedestrian underpass replacing the pedestrian crossing signal on Baseline Road, connections to adjacent bicycle and pedestrian facilities, multi-use path connection on east side of Broadway south of Baseline Road, median reconstruction, street resurfacing, bicycle parking and landscaping, urban design and public art.

Three design options are being evaluated through the Community and Environmental Assessment Process (CEAP). The CEAP assesses potential impacts of a public development project to inform the selection and refinement of a preferred project alternative. The Board's role in this process is to provide a recommendation on the project CEAP which will then be forwarded to City Council for potential call-up. In preparation for the May 12 TAB public hearing and consideration of a recommendation on the CEAP, staff is providing this project introduction and conceptual design options.

Board discussion and comments included:

[7:27 p.m.]

- Is there any foreseeable major redevelopment of the BaseMar Center? Staff response: Staff is not aware of any plans.
- The historical record of this crossing; first a flashing crossing, now a signaled crossing, and the effectiveness of changing the crossing. The relative safety of the various treatments and the efficiency of moving pedestrians and cyclists was the priority.
- Underpasses are great, but really expensive. Could the money be spent to enhance the corridor without the need for excavation?
- There are several underpasses in Boulder that by design create conflicts between cyclists and pedestrians. The design of underpasses allows cyclists to obtain high speed. Slowing down cyclists should be a priority.
- The need for underpasses, overpasses, separated bike lanes, etc. means our street infrastructure is poor to begin with.
- What are the service numbers for the EB transit stop? Staff will include that information in the next memo.
- Option C has additional costs, what is the order of magnitude? Staff response: about \$400k more.
- The road character for that section of Baseline is different than other areas on Baseline due to the sudden expansion of Baseline by the BaseMar Center.
- Perhaps utilizing a mini road diet in this area would be great.
- What did we learn from Broadway/Euclid underpass? Lessons learned would be beneficial for the design of this underpass.
- Keep in mind, the EB transit stop may not always only serve two or three lines, what would happen once BRT is implemented? We should be looking into the future as we move to push transit ridership.
- Are any of the designs better or worse in terms of flood mitigation?

Agenda Item 8: Staff briefing and TAB input regarding the 2015-2020 Transportation Capital Improvements Program (CIP) – Part I of III

[7:47 p.m.]

Mike Gardner-Sweeney presented item to the board.

Executive Summary from Packet Materials:

Each year, the city goes through an annual budget process in which departments create a six year Capital Improvement Program (this year for the time period of 2015 through 2020.) The Transportation Advisory Board (TAB) role in this process is defined in the Boulder Revised Code (BRC) TITLE 2 GOVERNMENT ORGANIZATION, Chapter 3 Boards and Commissions, Section 14 – Transportation Advisory Board; "...to review all city transportation environmental assessments and capital improvements." It is within this context that the board is asked to hold a public hearing and provide a recommendation on the Capital Improvements Program (CIP) to Planning Board and the City Council, scheduled for the June TAB meeting. This packet item is intended to initiate this process by providing:

- Background information;

- A tentative schedule; and,
- Key issues for this year.

Board discussion and comments included:

[7:55 p.m.]

- What will the board see in parts II and III? Staff response: Part II will have a draft CIP for TAB's review. Part III will be to review the draft and provide a recommendation to Planning Board.
- It would be helpful to see how funding has changed over time and how it relates to form of travel.
- Roadways are the overall beneficiary of capital dollars. Look at the methodology we use to allocate the funding across different travel modes. Staff response: over the life of the TMP, there is a very intentional shift in how we address investments in enhancements.

Agenda Item 9: Staff briefing and TAB input regarding Envision East Arapahoe (formerly known as East Arapahoe Area Plan)

[8:10 p.m.]

Micki Kaplan and Sam Assefa presented item to the board.
Power point presented for this item.

Executive Summary from Packet Materials:

During the work plan discussion in January 2013, City Council indicated a desire to conduct a planning effort in the East Arapahoe area, primarily precipitated by the expansion of Boulder Community Hospital and desire to improve the urban form and land use mix, and strategies noted in the Economic Sustainability Strategy (ESS). Additionally, in 2013 the city completed an existing conditions inventory for this corridor, including analysis of the street network and site design characteristics through the Sustainable Streets and Centers (SS&C) project. SS&C focuses on the urban design aspect of the streets and centers/districts to implement the community design/sustainable urban form policy section to the Boulder Valley Comprehensive Plan. The next stage of SS&C has been integrated with the East Arapahoe planning effort and proposed to be called "Envision East Arapahoe." This effort will define a vision for the corridor's future, support Arapahoe Avenue's role as a major transit corridor, lead to appropriate tools to help shape urban form, improve the quality of the street and its centers, and lead to specific near and long term implementation tools such as guidelines or a "pattern book" to be used during project review and/or other possible changes to the land use code.

Each board is being asked to comment and provide feedback about the draft scope of work, project timeline and project approach. Staff will consult with each of the boards as the plan progresses, and other boards as relevant (e.g., Parks and Recreation, District boards).

1. **Planning Board** will provide input as the vision and goals are drafted, as plan options are explored and analyzed, as strategies are developed, and on the draft plan. Planning Board is the approval body for all area plans.
2. **TAB** will provide input on plan goals, analysis and strategies specifically related to transportation policy and planning topics.
3. **BDAB** will provide input on plan option analysis and the draft plan on issues specifically related to urban design issues.

Board discussion and comments included:

[8:24 p.m.]

- The 2014 scope is ambitious. Let's try and pull this off.
- Focus on the strip between Boulder Junction and East CU campus. Both locations are expecting redevelopment in the near future. Making them mixed use would be required to bring in various users.
- The combination of redeveloping the corridor and bringing BRT is exciting.
- Regional trips are an issue for Boulder. We are inducing more regional trips by our street design. Transportation design is vital to the vision of being walkable.
- Parking needs to be shared and efficient.
- Perhaps having short, medium and long term sections to the overall vision would be more achievable.
- Cross access easements will allow for shorter distances for pedestrians.
- Arapahoe is a huge corridor for eastern communities, which is something to keep in mind.
- A bold vision is needed in this area.
- The timeline is aggressive, but even if it takes a little more time, as long as a quality product is the end result, than take the needed time to complete the project.
- Investments in bike/ped and transit would be a great message to send to developers to create new mixed

use facilities. That sends the right message to developers.

Agenda Item 10: Matters

[8:35 p.m.]

A.) Matters from the Board Included:

- Update on collaboration with other city boards: the board passed on this item as the Joint Board Workshop is next week.
- Joint Board Workshop; 23 April 5-8:30 PM
- 100 Resilience Cities participation in Workshop on 28 April – Zane Selvans will be representing the TAB.
- Feedback from Victor Dover tour and presentation; Board members Nozzi, Stellar and Selvans were able to attend.
 - Mr. Dover was overly congratulatory to the city. The example of great street design was row houses on Mapleton which would not be allowed today.
 - Victor presents powerful visuals which are inspiring to the user.

B.) Matters from staff included:

[8:38 p.m.]

- **Regional Studies Update:**
 - The US36 MCC sent a letter to RTD on NAMS (handout presented)
 - Hwy 119 is the highest priority.
 - Hwy 7 and US287 are the next priorities.
 - RTD is preparing a TIGER grant application for the priority NAMS corridors.
- **Project Updates/Closure (i.e. progress, Council action, “after” studies):**
 - **Update on the Diagonal Highway Reconstruction Project:** The city received RAMP dollars from CDOT which will extend the project from 28th to 30th out to Foothills.
 - **Cone Zones are updated each week.**
 - **Arapahoe reconstruction is continuing**

Agenda Item 11: Future Schedule Discussion:

[8:50 p.m.]

Agenda Item 12: Adjournment

[8:52 p.m.]

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:52 p.m.

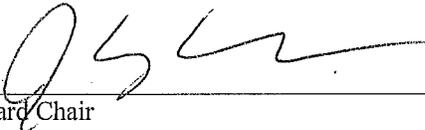
Motion: moved to adjourn; Bilich, seconded by: Selvans

Motion passes 4:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 12 May 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

5/12/14
Date

ATTESTED:


Board Secretary

5/12/14
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, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 24 February 2014	
Contact Information of Person Preparing Minutes: Laurel Olsen-Horen 303.441.3203	
Board Members Present: Chuck Howe, Dan Johnson , Mark Squillace, Ed Clancy Board Members Absent: Vicki Scharnhorst	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Principal Engineer - Utilities Bret Linenfelser, Water Quality and Environmental Services Manager Chris Douville, Douglas Sullivan, Engineering Project Manager Pieter Beyer, Civil Engineer II Ken Baird, Utilities Financial Manager Laurel Olsen-Horen, Board Secretary	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[7:01 p.m.]
Agenda Item 2 – Approval of the 12 February 2014 Meeting Minutes: Item deferred until the 17 March meeting.	[7:01 p.m.]
Agenda Item 3 – Public Participation and Comment	[7:01 p.m.]
Public Comment:	
<p>Carl Norby: (Wan Norby, Priscilla White, Fleet White, Cory Robinson all pooled time for Carl) The September flood caused a lot of damaged to Mr. Norby’s neighborhood in Frasier Meadows (FM). Residents would like to work with staff on resolutions to mitigate this kind of flood result in the future. Residents have pointed out system upgrades that would help the entire city. FM is somewhat isolated in its type of damage as it was all within the walls of the properties, not necessarily to the land surrounding the properties. FM didn’t fall into either category (stormwater and floodwater or wastewater), they fell into both stormwater and sanitary sewer system. Mr. Norby sent the board an email earlier in the day summarizing what happened during the flood and as a result of the flood. The problems FM has caused many people in the community a lot of grief. What did the City Council say about taking care of the worst disaster the city has ever seen? Council did not have an answer for that question. City Council should be directing WRAB for advice on where to budget for fixing the problem areas. Bear Creek; US 36 to Baseline was one of the hardest hit areas in the city. The channel is in dire need of being cleared of debris, but that is the University’s responsibility.</p>	
<u>Questions from the board:</u>	
<ul style="list-style-type: none"> • Has the FM neighborhood had any discussions with the University? Mr. Norby was told that the University has not done anything since the flood event. FEMA told Mr. Norby that whoever owns the creek is responsible for maintaining it and may also be liable. The proper individual within CU has been notified and will be in contact with the residents shortly. • What would be involved with staff looking into the suggestions made by Mr. Norby? Staff response: city staff is still collecting data to enable the city to put all of the pieces together to determine priority areas. As part of the CIP discussion, WRAB will be discussing which items are priority items. • Have there been any solutions looked into for the sanitary sewer system? Mr. Norby stated that FM residents had pointed out some shortfalls within the system. It was recommended that the lines in FM be scoped with a camera so we can see what issues are present. FM has a long history of issues with the sanitary sewer system. 	

Agenda Item 4 – Information Item – Wastewater Utility CIP Preview

[7:27 p.m.]

Douglas Sullivan presented the item to the board.

Power point presentation given for item.

Executive Summary from the Packet Materials:

This information item is intended to provide an update regarding Wastewater Capital Improvement Program (CIP) issues ahead of the formal budget process by providing:

- ❖ Background information
- ❖ Flood update
- ❖ Project updates
- ❖ Schedule of key milestones

The formal CIP budget discussion will begin in April with a WRAB recommendation scheduled in June. Therefore, no formal action by the WRAB is requested at this time.

WRAB Discussion Included:

- Condition monitoring has worked well for other organizations and the feasibility of using it for the city's infrastructure.
- The city's historical record and its success for projecting maintenance needs in the past.
- The city should benchmark our treatment plant to other communities (AWWA).
- Superior did not see any sanitary sewer failures which were abundant in Boulder. Staff response: a vast majority of our system is made of clay pipe; Superior does not have that type of infrastructure.
- What allows the city to offer lower utility rates than places such as Fort Collins? Fort Collins has two plants.
- Have any other Front Range communities banned phosphorus? Staff response: no, that kind of decision would be more effective on a state-wide level. Education is vital for the reduction of phosphorus.
- Can the city take wastewater samples along the way when the float is sent down the main line? The city is able to monitor effluent characteristics at other locations.

Agenda Item 5 – Matters

[8:57 p.m.]

From the Board:

Board member Clancy brought up the below matter(s):

- There is a lot of snow out there now. What is the city's Plan B for a large run-off? Staff response: the city is working with Boulder Co. and the Office of Emergency Management. The run-off may occur earlier and last longer than usual. The shape of the water shed upstream is not good. Any large rain has the potential to bring with it a lot of sediment.
- What about the city's ditch system? Is anyone going to be clearing them out? Staff response: the ditches that carry stormwater; the city tends to have a good relationship with the ditch company. Irrigation ditches have an incentive to clear out the sediment as they are still responsible to deliver water to their customers.
- How many responses from the survey has the city received thus far? We have received around 1,350.

From Staff:

[8:58 p.m.]

- As of today, contractors are out clearing sediment and debris from the creek beds. (Ch. 4, 21:50)
- New Water Treatment Manager has been hired; Tom Settle will start in early March.
- Five applications were received for the vacant seat on WRAB. Council will make their selection in March and the new board member will begin in April.

Agenda Item 6 – Discussion on Future Schedule

[9:08 p.m.]

March will focus on stormwater and flood management CIP preview.

If any board members anticipate missing any of the meetings in April, May and June, please let staff know

Agenda Item 9 – Adjournment

[9:10 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 9:10 p.m.

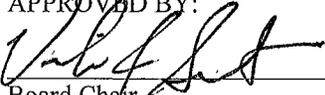
Motion to adjourn by: Squillace; Seconded by: Clancy

Motion Passes 4:0

Date, Time, and Location of Next Meeting:

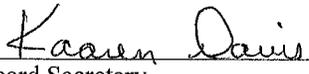
The next WRAB meeting will be Monday, 17 March 2014 at 7:00 p.m., in the Municipal Service Center Conference Room; 5050 E. Pearl unless directed by staff or the board.

APPROVED BY:


Board Chair

05/19/14
Date

ATTESTED BY:


Board Secretary

5/19/2014
Date

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

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 17 March 2014	
Contact Information of Person Preparing Minutes: Laurel Olsen-Horen 303.441.3203	
Board Members Present: Chuck Howe, Ed Clancy, Vicki Scharnhorst Board Members Absent: Dan Johnson , Mark Squillace	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Principal Engineer - Utilities Bret Linenfelser, Water Quality and Environmental Services Manager Annie Noble, Flood and Greenways Engineering Coordinator Douglas Sullivan, Engineering Project Manager Pieter Beyer, Civil Engineer II Ken Baird, Utilities Financial Manager Laurel Olsen-Horen, Board Secretary	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[7:01 p.m.]
Agenda Item 2 – Approval of the 12 and 24 February 2014 Meeting Minutes:	[7:01 p.m.]
<p>12 February minutes: Motion to approve as presented. Moved by: Scharnhorst, Seconded by: Clancy Vote: 3:0</p> <p>24 February minutes: Approval of the 24 February minutes was tabled due to less than three members in attendance at the February meeting also being present at the March meeting..</p>	
Agenda Item 3 – Public Participation and Comment	[7:01 p.m.]
<p>Public Comment:</p> <p>Payson Sheets:</p> <p>Mr. Sheets is concerned with the planned expansion of the Eldora Ski Area, particularly the north side. Water quality maintenance is of significant importance to Mr. Sheets. Particulate erosion is of great concern. The original master plan for the ski area; (the US Forest Service accepted the plan) everyone agreed that the ski area would not expand beyond their boundaries. The Forest Service and Eldora came up with their own revision to the Master Plan in 2011. This revision did not include any public process. If the ski area expands down close to the creek, the ski area will be placing skiers close to the creek. The new grading of the ski area will mean sediment eroding into the creek. The use of SnoMax, which is used by the ski resort to assist with snow making, and Carbaryl, applied to address pine beetles, would also impact the creek. The ski area has not been compliance for spraying Carbaryl near water sources. Ski wax compounds would also impact the creek. The Environmental Impact Study (EIS) states that the first three years would be the extent of impact time before vegetation would grow enough to control erosion.</p> <p><u>Questions from the board:</u></p> <ul style="list-style-type: none"> • The EIS does not mention the use of SnowMax in the use of making snow. • Alternative 2 will have a negative impact on Middle Boulder Creek. <p>City response: Bret Linenfelser will be responding on behalf of the city. The city’s response will be focused around water quality and quantity.</p> <p>Alan Mole:</p> <p>Mr. Mole is concerned about the debris that came down during the flood in September in Bluebell Creek. The water and debris that the flood carried was massive. Cars were moved down Mariposa during the flood. Mr. Mole is concerned with the lack of warning and lack of mitigation during the flood. There is no mitigation planned that Mr. Mole is aware of such as debris removal. As mitigation fees are included in monthly utility bills, Mr. Mole would like to see a warning system, a mitigation plan and a full hazard analysis to scope the possibility of mud/rock slides, debris removal and an overall mitigation plan.</p>	

Warren Heim:

Mr. Heim would like to compliment the city and staff. Mr. Heim resides near the King's Gulch. The floodplain maps for that area were extremely accurate which allowed Mr. Heim to plan accordingly prior to the flood. Mr. Heim is a private consultant and would like to give praise to Katie Knapp as she is a testament to the quality of work being done in the City.

Agenda Item 4 – Information Item – Stormwater and Flood Management CIP Preview [7:35 p.m.]

Bob Harberg and Utilities staff presented the item to the board which included a Powerpoint presentation.

Executive Summary from the Packet Materials:

This information item is intended to provide an update regarding Stormwater and Flood Management Capital Improvement Program (CIP) issues ahead of the formal budget process by providing:

- ❖ Background information
- ❖ Flood update
- ❖ Project updates
- ❖ Schedule of key milestones

The formal CIP budget discussion will begin in April with a WRAB recommendation scheduled in June. Therefore, no formal action by the WRAB is requested at this time.

WRAB Discussion Included:

- There are different ways at looking at acquiring the needed funds required for completing the action plan of the CIP. Rates may or may not impact what the city is able to do on a broad scale.
- Even at 70% rate increases, the city will not be able to afford to bring all improvements up to 100-year flood mitigation.
- There is an under-appreciation of how many homes were saved by improvements already made to the City's drainageways.
- Clark County, Nevada (which includes Las Vegas) passed a ¼¢ sales tax post flooding to fund improvement programs. To bring the populated parts of the City up to 100-year flood mitigation would require an enormous amount of money.
- How is Boulder County doing work on private property with FEMA backing? Staff response: Boulder Co. was successful in obtaining a different funding source from FEMA. They must acquire a Right of Entry. The County's program with FEMA may not have any feasibility in the city.
- The community rating system – Boulder is a 5 on a scale between 1 and 10. Boulder residents receive a 25% discount on flood insurance premiums due to the city's rating on the community rating system.

Agenda Item 5 – Matters

[8:57 p.m.]

From the Board:

Board member Clancy brought up the below matter(s):

- For spring run-off – is the city prepared? Council will be receiving an update on this topic at tomorrow night's City Council meeting.

Board member Scharnhorst brought up the below matter(s):

- Pleased to read the article in the Camera over the weekend on the aftermath of the flood, which included the message (in the article) to encourage community members to purchase flood insurance and sanitary sewer backup insurance.

From Staff:

[8:59 p.m.]

- There is room for one board member to attend an April 28th meeting related to the city's participation in the Rockefeller Foundation 100 Resilient Cities grant.

Agenda Item 6 – Discussion on Future Schedule

[9:01 p.m.]

April will have a brief update on water supply. Bear Canyon Creek, Harrison Avenue Levee along with the preliminary CIP discussion are likely topics.

Agenda Item 9 – Adjournment

[9:02 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 9:02 p.m.

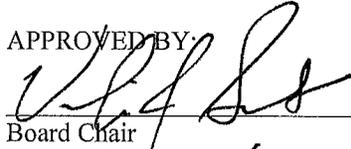
Motion to adjourn by: Clancy; Seconded by: Scharnhorst

Motion Passes 3:0

Date, Time, and Location of Next Meeting:

The next WRAB meeting will be Monday, 21 April 2014 at 7:00 p.m., in the Municipal Service Center Conference Room; 5050 E. Pearl unless directed by staff or the board.

APPROVED BY:

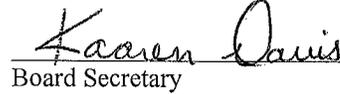


Board Chair

05/19/14

Date

ATTESTED BY:



Board Secretary

5/19/2014

Date

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

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING MINUTES**

Name of Board / Commission: Water Resources Advisory Board	
Date of Meeting: 21 April 2014	
Contact Information of Person Preparing Minutes: Kaaren Davis 303.441.3233	
Board Members Present: Vicki Scharnhorst, Ed Clancy, Mark Squillace, Lesley Smith Board Members Absent: Dan Johnson	
Staff Present: Jeff Arthur, Director of Public Works for Utilities Bob Harberg, Principal Engineer - Utilities Bret Linenfelser, Water Quality and Environmental Services Manager Annie Noble, Flood and Greenways Engineering Coordinator Joe Taddeucci, Water Resources Manager Tom Settle, Water Treatment Facilities Manager Chris Meschuk, Co-CIP Coordinator Craig Skeie, Water Resources Facilities Manager Ken Baird, Utilities Financial Manager Kaaren Davis, Board Secretary	
Meeting Type: Regular	
Agenda Item 1 – Call to Order	[7:00 p.m.]
Agenda Item 2 – Swearing in of New Board Member:	[7:01 p.m.]
Oath of office administered to new board member Lesley Smith	
Agenda Item 3 – Election of Board Officers:	[7:03 p.m.]
Chair: Scharnhorst nominated by Clancy, Seconded by: Squillace Vote: 3:1 (Scharnhorst abstains) Vice Chair: Dan Johnson nominated by Scharnhorst. Seconded by: Clancy Vote: 4:0 Secretary: Clancy nominated by Squillace, Seconded by: Scharnhorst Vote: 3:1(Clancy abstains)	
Agenda Item 4 – Approval of the 24 February and 17 March 2014 Meeting Minutes:	[7:05 p.m.]
24 February minutes: Minutes approval held over for a meeting where there is a quorum of board members who attended the meeting.	
17 March minutes: Minutes approval held over for a meeting where there is a quorum of board members who attended the meeting.	
Agenda Item 5 – Public Participation and Comment	[7:06 p.m.]
Public Comment:	
Carl Norby (time combined with Wan Norby and Warner Andrews): Frasier Meadows is moving in the right direction thanks to the Utilities Department. What's next? Concerned that Council does not seem very concerned about flooding issues at Frasier Meadows. The word "Flood" did not appear in their last session. Suggests that WRAB take a heroic stance and relay to Council a request for 20x the proposed expenditures for rehabilitation and replacement of utilities facilities which would assist with mitigating future flood events (storm and sanitary sewers in particular).	
Mallory Kates: On the night of the flood, it began raining very hard and she brought guests into her downstairs guest rooms and found water on the floor. Water was gushing up from the toilet, the shower and the tub. Called a contractor but by the following morning the water was more than five feet high. Astonished that we can be living in Boulder where we know what the existing issues are and that we cannot get those issues taken care of faster to prevent a similar incident in the future. The City is moving too slowly. How do we convey a sense of urgency to Council?	

Bob Coleman:

Found brown water coming up through toilets and drains on the 12th of September 2013. A foot of water rose within an hour. Two feet within a short time later. Homeowner now has a large loan out for repairs of his basement. Has spent the past six months of his life dealing with the aftermath of the flood. The government provides essential services including life, health safety. City staff is doing a great job. Council is not. It would be preferable for the city to spend even a small percentage of time and money that they have spent studying municipalization [of an electric utility] into the infrastructure support of essential services that help with flood prevention. The leadership (Council) has no interest in providing the essential services. They are more interested in other issues. WRAB should convey to council the sense of community outrage at Council's lack of adequate action on this issue.

Agenda Item 6– Information Item – 2015-2020 Capital Improvements Program [7:22 p.m.]
Bob Harberg and Utilities staff presented the item to the board which included a Powerpoint™ presentation.

Executive Summary from the Packet Materials:

As part of the city's annual budget process, Utilities develops a six-year planning budget, this year for the time period of 2015 through 2020. The Water Resources Advisory Board (WRAB) role in this process is defined in the Boulder Revised Code: “. . . to review all environmental assessments and capital improvements conducted or proposed by the utilities division.” Utilities staff has formulated initial revenue and expenditure projections for each of the three utility funds through the year 2020. Within the budget process, City Council approves and appropriates funds only for the first year, 2015.

The September 2013 flood highlighted the vulnerability of the community and utility infrastructure to natural disasters, including flooding. In order to better integrate data and public feedback related to the flood into the 2015-2020 CIP discussion, staff presented “previews” of the Water, Wastewater, and Stormwater/Flood Management Utility Capital Improvement Programs at the January, February, and March WRAB meetings. While the April WRAB meeting is generally used to provide a very high-level overview of the CIP process, this year's agenda item provides an opportunity for the WRAB to discuss a “preliminary draft” of the CIP. Input from WRAB will guide staff in preparation of a draft CIP for discussion by WRAB at the May meeting. WRAB will be asked to make a recommendation to City Council regarding the 2015-2020 CIP at its June meeting. The Planning Board will review the complete city CIP, including utilities, in August. City Council generally plans for two study sessions regarding the CIP in September, prior to adopting the 2015 budget.

This packet contains preliminary information concerning the 2015 Utilities Budget and the draft 2015-2020 Utilities CIP. The fund financials (**Attachment A**) have been updated to reflect actual revenues and expenditures for 2013, and the revised budget for 2014. These fund financials incorporate recommended changes to the CIP. There will be other, likely less significant, changes in the operating budget after the City's budget office distributes budget guidelines on April 21 and these changes may also influence recommended rates.

WRAB Discussion Included:

- A request for clarification between “flood” dollars and “FEMA eligible” dollars when discussing full expenditures on flood recovery.
- Concerns regarding the coordination of recovery efforts between the Utilities and Open Space on the drainageways. Open Space appears not to be doing anything to restore their drainageways to pre-flood conditions. Staff: Explained that many of the affected Open Space reaches are outside City limits and jurisdiction, and further do not qualify for reimbursement under FEMA's “immediate threat” classification. Monthly coordination meetings are happening between the City and County to coordinate what can be done.
- Questions about coordination between the City and CU on debris removal and recovery projects for imminent threats on any drainageway that crosses CU properties.
- Requests for clarification on the proposed improvements to the collection systems.
- Confirmation that design of improvement to drainageways may not increase water surface elevations downstream.
- Comments from some board members that the funding for sanitary sewer line rehab/replacement looks light given the critical need for faster replacement as shown in the impact of the flood on the sanitary sewer system. More funding needed to get even the Tier 1 issues fixed.

- Details of plans to study the capacity of the collection/conveyance system to detect potential problem areas where current capacity may not be adequate.
- Whether there may be opportunities to help subsidize backflow prevention devices for affected residents.
- Comments from some board members that consideration should be given to increasing the amount of funding for property acquisition in the Stormwater and Flood Management Utility CIP.
- Confirmation that funding of asset replacement has been set at 75% of theoretical replacement rate.
- Question regarding whether decommissioned nitrifying trickling filter and chlorine contact basins could be used for phosphorus removal
- Question regarding the magnitude of expenditures that are needed to completely rehabilitate the wastewater collection/conveyance system to eliminate sewer backups.

Input from board members on tolerance for proposed rate increases: If we are going to ask for a big increase, this year (post flood) is the right year to do it. Some suggestion that wastewater increase should be bigger to deal with sanitary sewer rehab/replacement faster.

Agenda Item 7– Information Item – Water Supply Update **[9:15 p.m.]**

Joe Taddeucci and Utilities staff presented the item to the board which included a PowerPoint™ presentation.

Executive Summary from the Packet Materials:

This memo provides an update on 2014 water supply conditions and the city’s drought stage determination procedures as set forth in the Drought Plan (Attachment 3)

As this is an information item only, no formal action was requested of the board.

Agenda Item 5 – Matters **[9:36 p.m.]**

From the Board:

Board member Clancy brought up the below matter(s):

- Would like someone from Open Space to come talk to the board about flood recovery.

Board member Smith brought up the below matter(s):

- CU Colleague in Twomile area is frustrated by not getting enough information about new flood maps. Is there information out there about the rollout schedule for the new flood maps? Staff response: Working on new LiDAR mapping and analysis to see what the effects of the flood were on the floodplain. Hydrology is being reviewed. Hopeful to have something to share with the public in about 4-6 weeks. Main priority has been getting the drainageways cleared so mapping has taken a lower priority.

Board member Squillace brought up the below matter(s):

- Letter on Front Range water association group regarding pursuit of water availability from the Western Slope. WRAB and City Council ought to say something or talk about this issue if we feel this is a potential problem.

From Staff: **[9:34p.m.]**

- Council having a study session tomorrow which will provide staff with an opportunity to update them on proposed rate increases related to the CIP.
- Tubing and swimming ban on Boulder Creek while debris removal operations are underway.
- Denver Water is close to releasing an EIS for Gross Reservoir. The City has an MOU with Denver Water and Lafayette to create in stream flow on South Boulder Creek to create additional storage.
- Vicki will represent WRAB at the City’s 100 Resilient Cities kick off event.

Agenda Item 6 – Discussion on Future Schedule **[9:55 p.m.]**

May meeting may have some information about recurrence intervals on the Creek. Placeholders for South Boulder Creek items which may move dependent on current work with Open Space on environmentally sensitive areas. Board Orientation on the same night as our next meeting. Staff will investigate how to ensure that new member Smith can be present for the CIP Public Hearing and still get an appropriate orientation.

Agenda Item 9 – Adjournment

[10:05 p.m.]

There being no further business to come before the Board at this time, by motion regularly adopted, the meeting was adjourned at 10:05 p.m.

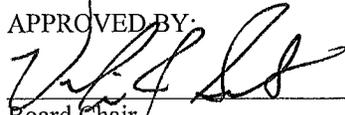
Motion to adjourn by: Squillace; Seconded by: Clancy

Motion Passes 4:0

Date, Time, and Location of Next Meeting:

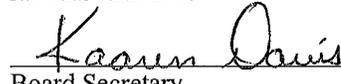
The next WRAB meeting will be Monday, 19 May 2014 at 7:00 p.m., in the Municipal Service Center Conference Room; 5050 E. Pearl unless directed by staff or the board.

APPROVED BY:



Board Chair

ATTESTED BY:



Board Secretary

05/19/14

Date

5/19/2014

Date

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

**Alice Healy Day
June 7, 2014**

WHEREAS, Dr. Alice F. Healy has served on the faculty in the Department of Psychology at the University of Colorado Boulder since 1981; and

WHEREAS, in 2007, she was given the honorific title, Professor of Distinction, by the College of Arts and Sciences for her exceptional scholarship, superb teaching and mentoring, and remarkable record of service; and

WHEREAS, she has been awarded millions of dollars in research support through grants and contracts; and

WHEREAS, she has served on and chaired numerous committees for national organizations such as the National Institute of Mental Health, the Psychonomic Society, the American Psychological Association, and the American Association for the Advancement of Science; and

WHEREAS, she has published more than 250 articles and chapters in highly prestigious professional journals and books on topics related to learning, memory, and transfer of knowledge and skills, thereby greatly influencing the field of Cognitive Psychology; and

WHEREAS, she has mentored dozens of young scientists who have gone on to highly successful careers in research and teaching in academia, as well as in a variety of national and local science and technology organizations

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that June 7 is

Alice F. Healy Day



Matthew Appelbaum

Matthew Appelbaum, Mayor

**Peter Molnar Day
June 3, 2014**

WHEREAS, on January 16, 2014, it was announced that Peter Molnar was the winner of the 2014 Crafoord Prize in Geosciences by the Royal Swedish Academy of Sciences; and

WHEREAS, Peter Molnar is Professor in the Department of Geological Sciences and Fellow in the Cooperative Institute for Research in Environmental Sciences at the University of Colorado Boulder; and

WHEREAS, he was honored for his groundbreaking contribution to the understanding of global tectonics, in particular the deformation of continents and the structure and evolution of mountain ranges, as well as the impact of tectonic processes on ocean-atmosphere circulation and climate; and

WHEREAS, his research is adding to our understanding of regional and global climate change, as well as earthquake risks; and

WHEREAS, he serves as a scientific inspiration to students and young scientists; and

WHEREAS, his research was performed at the University of Colorado Boulder in Boulder, Colorado; and

WHEREAS, His Majesty Carl XVI Gustav, King of Sweden, awarded him his prize at ceremonies held in the Royal Swedish Academy of Sciences in Stockholm, Sweden, on May 6, 2014; and

WHEREAS, he was then the guest of the Crafoord family at the University of Lund in Lund, Sweden

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado that Tuesday, June 3, 2014, is

Peter Molnar Day



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.

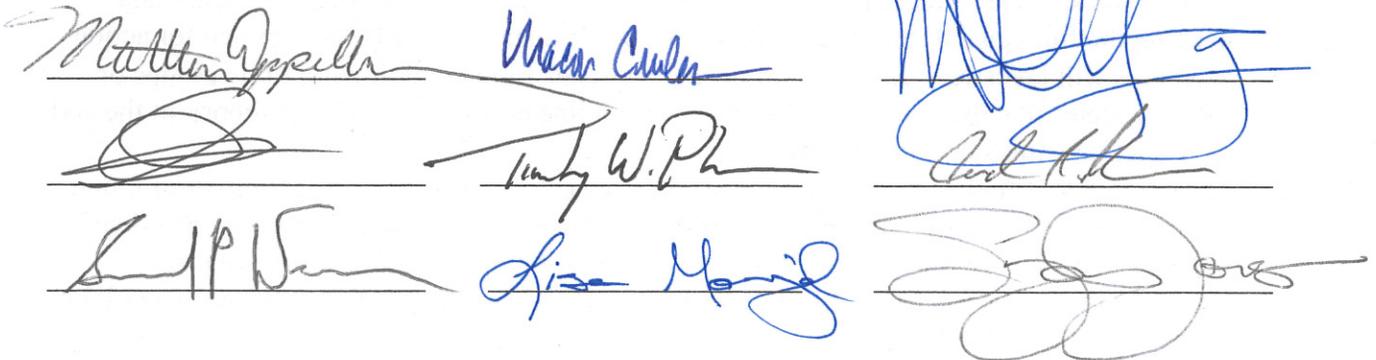
Council Committees:

- 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 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 M..., arranged in three rows and three columns.

2014

2015

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
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							

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
	Staff Activities		SS - energy services	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