BOULDER SOLAR WORKING GROUP RECEPTION
MUNICIPAL BUILDING LOBBY, 1777 Broadway
Tuesday, August 19, 2014
5:15 p.m.

BOULDER CITY COUNCIL MEETING
COUNCIL CHAMBERS, 1777 Broadway
Tuesday, August 19, 2014
6:00 p.m.

AGENDA

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

   A. **Briefing on Recommendations of the Solar Working Group**

   B. **Declaration Honoring Mercedes Alvarez**, Founder and Director of Foundation of Nicaraguan Solar Women

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 July 29, 2014**

   B. Consideration of a motion to **accept** the **study session summaries on** the **AMPS** Update **from June 10 and July 29, 2014**

   C. Consideration of a motion to **accept** the study session summary from **July 29, 2014 on the Zero Waste Strategic Plan**

   D. Consideration of a motion to approve **Resolution No. 1138 declaring** the city of Boulder's **official intent to reimburse itself with** the **proceeds of** a **future borrowing for** certain **capital expenditures and open space land purchases** to be undertaken by the City; identifying said capital expenditures and the funds to be used for such payment; and providing certain other matters in connection therewith

   E. Consideration of a motion to approve **Resolution No. 1139 concerning the** proposed City of Boulder **Open Space Acquisition Bonds, Series 2014 in the** aggregate principal **amount of** not to exceed **$10,000,000**, authorizing the **notice of bond sale** with respect to

said 2014 bonds; prescribing certain details concerning said proposed sale and said 2014 bonds; **approving** the form of **a preliminary official statement; and providing the effective date of this resolution**

F. Consideration of a motion to approve **Resolution No. 1140 delegating the City Manager to sign documents to authorize the City to receive FEMA Hazard Mitigation grant money**

G. Consideration of a motion to approve **Resolution No. 1141 assigning the city of Boulder's 2014 Private Activity Bond Allocation to Boulder Housing Partners to be issued to Element Properties**

H. Introduction, first reading and consideration of a motion to adopt **Emergency Ordinance No. 7988 adopting Supplement No. 120**, which codifies previously adopted Ordinance Nos. 7968, 7969, 7970, 7971, and 7974, as an amendment to the Boulder Revised Code, 1981

I. Introduction, **first reading** and consideration of a motion to order published by title only an **ordinance amending the 9th and Canyon Urban Renewal Plan** in order to facilitate a civic use

J. Second reading and consideration of a motion to adopt **Ordinance No. 7987 approving supplemental appropriations to the 2014 Budget** related to flood insurance proceeds

K. Continued second reading and consideration of a motion to adopt **Ordinance No. 7980 submitting to the registered electors** of the City of Boulder **at the** special municipal coordinated **election to be held on Tuesday, November 4, 2014,** the question of **affirming the city's right to provide high-speed internet services (advanced services), telecommunications services, and/or cable television services** to residents, businesses, schools, libraries, nonprofit entities and other users of such services and setting forth related details

L. Third reading and consideration of a motion to adopt **Ordinance No. 7982 submitting to the registered electors** of the City of Boulder **at the** special municipal **election to be held on Tuesday, November 4, 2014**, the question of **amending City Charter Section 9 to provide that the city council may meet in executive session only for the purpose of discussing legal advice and negotiation strategy relating to the creation of a municipal electrical utility**, **with such authority ending on December 31, 2017**; setting forth the ballot title; and specifying the form of the ballot and other related details

M. Third reading and consideration of a motion to adopt **Ordinance No. 7983 submitting to the registered electors** of the City of Boulder **at the** special municipal **election to be held on Tuesday, November 4, 2014**, the question of **authorizing the city council to increase the sales and use tax by up to 0.3 cents on every dollar, effective January 1, 2015 through December 31, 2017, for the purpose of funding a variety of capital**

improvement projects; giving approval for the collection, retention and expenditure of the full tax proceeds and any related earnings, notwithstanding any state revenue or expenditure limitation; and setting forth the effective date, ballot title, amendments to Section 3-2-5, "Rate of Tax," B.R.C., 1981 and related details

N. Consideration of a **motion to name** the park formerly known as Mesa Memorial Park to **Bill Bower Park**

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. First reading, consideration of a motion to publish by title only, and adoption as **an emergency** measure **Ordinance No. 7990 temporarily suspending** the **acceptance of building permit and site review applications t**hat will result in **adding residential floor area to those areas zoned BMS** that are **located in the** general **area described as the University Hill Business District until March 18, 2015** and setting forth related details

6. **MATTERS FROM THE CITY MANAGER**

None

7. **MATTERS FROM THE CITY ATTORNEY**

None

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

A. **Potential Call-Ups**

1. **Vacation of a utility easement** that is approximately 8,363 square feet, runs east-to-west, and **through the middle of 2810 29th Street and 2850 29th Street** (ADR2014-00124) Information Packet Date: August 19 Last Opportunity for Call-Up: August 19

B. **Board and Commission Appointments**

C. **Appointment to the Colorado Municipal League Policy Committee**

D. **Request for permission to attend the Transportation Advisory Board Retreat from Council Member Plass**

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

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

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

12. **ADJOURNMENT**

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

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Briefing on Recommendations of the Solar Working Group

PRESENTER/S:
Jane S. Brautigam, City Manager
Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development
Yael Gichon, Energy Sustainability Coordinator
Kelly Crandall, Energy Strategy Coordinator
Jonathan Koehn, Regional Sustainability Coordinator

SUMMARY

The Solar Working Group was formed to explore the expansion of solar opportunities in Boulder. The group was comprised of industry professionals, technical, policy, and financial experts and engaged citizens. The group composed a report, attached to this memo, to present their recommendations and conclusions to City Council. The findings of the group range from ideas that can be completed in the short term to issues to consider if the city forms a municipal utility. Staff is pursuing some of the recommendations in the near future and hopes members of the group will continue to work with the city on the transition plan to form a utility as it relates to energy resources and solar energy in Boulder.

BACKGROUND

The Solar Working Group began seeking participants in September 2013 to address ways to incent the development of local, distributed solar as part of the utility of the future, with or without a municipal utility. It was also organized to discuss impacts to the current solar marketplace related to Boulder's municipalization process and how existing contracts between Boulder customers and Xcel related to participation in Xcel's Solar*Rewards and Solar*Rewards Community (community solar gardens) program should be handled. Membership was self-selected. The working group's purpose and

membership are available online at https://bouldercolorado.gov/energy-future/energy-future-solar-community-working-group.

The working group met five times from November 2013 through June 2014, and conducted a lively discussion on Basecamp (a project management website that the city uses for working groups). The working group touched on the following issues:

- Goals the city should have related to local solar
- Barriers to solar growth
- Financing opportunities, new business models
- Incentives and the value of solar tariff
- Facilitating technologies that enhance distributed generation
- Potential opportunities for approaching existing Solar*Rewards contracts as part of a transition to a municipal utility
- Possible modifications to the city's Solar Grants program
- Potential changes to zoning codes related to local renewable energy development

SUMMARY OF RECOMMENDATIONS FROM THE SOLAR WORKING GROUP

The Solar Working Group created a summary document of its recommendations, which is attached to this memorandum. It is available online at https://bouldercolorado.gov/energy-future/energy-future-solar-community-working-group. In sum, the group's recommendations include:

Setting a goal/target for installed solar

- Fund a study to determine how much solar can practically be installed in Boulder
- Continue modeling to determine how the impacts of declining storage prices, reducing peak load, electrifying transportation and other factors impact the affordability of solar
- Maintain a detailed analysis forecasting declining solar costs as 2017 approaches (when the investment tax credit sunsets) to understand the impact of incentives to keep solar viable

Transition from incentives to reducing barriers

- Explore Third Party Financing, on-bill financing, loan loss reserves and aggregating solar projects to overcome the barrier of financing
- Explore solar for low-income customers, expanding existing programs and establishing new ones
- Promote Solar Gardens and Remote Net Metering as solutions for customers who cannot site solar where the energy is consumed
- Investigate ways to reduce soft costs, such as changing permitting and siting codes/ordinances to facilitate solar development, and pursue becoming a platinum level Solar Friendly Community
- Set quality standards for panels, inverters, and other system components that connect with the city grid

Designing tariffs as a municipal utility
The group did not reach a consensus on the best choice for Boulder or even whether a monetary incentive is needed; further analysis on this topic is needed. However, if it is necessary or desirable to compensate solar generation, the group recommends considering implementation of one of the following programs:

- Net Metering
- Feed in Tariff
- Value of Solar Tariff

Additionally, analyze the impacts of the underlying rate design in conjunction with a tariff and a fair system for customers with high demand charges[1].

SUMMARY OF ACTIONS BY CITY STAFF

Based on the discussion with the Solar Working Group, city staff has taken the following steps:

- Consolidated many of the existing solar efforts in the city
- Created a one-stop-shop solar website, www.bouldercolorado.gov/solar
- Applied for Solar Friendly Communities certification, expected sometime this fall
- Begun designing a local solar study to better understand the resource capacity, technical and economic limitations

NEXT STEPS

Among the next steps that staff foresees resulting from this group include:

- Evaluating solar goals and targets in Energy Future/resource planning
- As part of transition planning, forming resource planning, energy services, and finance/rates working groups, which will work in collaboration to pursue many of the analyses recommended by the group such as:
    - siting for solar
    - impacts of storage, peak load reduction, electrifying transportation
    - economic considerations (incentives, tariffs, rate structures)
    - end user solar services
    - financing options
- Issuing an RFP for a local solar study
- Modifying the Solar Grants program to increase efficiencies and uptake
- If there is interest, planning a future study session related to zoning codes and updating the codes on renewable energy development, among other topics

[1] The challenge for a city utility is to do a fair rate design for a business with high energy demand charges – a rate design that incentivizes them to invest in solar, either solar gardens or their own solar and storage system, so that the Boulder electric system is able to absorb their sudden demand needs without having to build extra capacity which is rarely used.

ATTACHMENTS

Attachment A: The City of Boulder Solar Working Group Report to City Council

The City of Boulder Solar Working Group Report to City Council

Solar Working Group Members:

John Street, Phil Wardwell, David Kline, Puneet Pasrich, Ken Gamauf, Ken Regelson, Matthew Lehrman, Michael Mendelsohn, Anne Guilfoile, Bill Ellard, Chad Parsons, Dan Kramer, Dave Hatchimonji, Galen Brown, James Barry, Jason Wiener, Jim Hartman, Kai Abelkis, Kelly Simmons, Lynn Segal, Meghan Nutting, Paul Melamed, Phil Klam, R.T. Weber, Scott Franklin, Steve Hoge, Timothy Schoechle, Todd Stewart, Duncan Campbell, Jeremy Epstein, John Johnson, Win Stevenson

August 2014

Executive Summary

Boulder's energy future is at a crossroads. Municipalization, carbon emission goals, grid reliability, and cost concerns represent critical inputs to future legal, regulatory and investment decisions the city may take. Solar energy offers a low carbon pathway to that energy future but raises numerous questions relevant to cost reduction trends, federal incentive policies, and city mechanisms to induce adoption.

Currently, 15 megawatts of solar capacity has been installed in the city to date, representing roughly 2% of the city's energy requirements. Although many barriers exist for installation of significantly more solar energy deployment, the City of Boulder has several important assets that it can draw on to use solar energy in the service of its energy, environmental, and economic goals: a good solar resource, an informed and motivated populace, and a vibrant local solar industry.

This report presents input from a community solar working group to the City Council as it continues its consideration of Boulder's energy future. Recognizing that solar will play a strong role in that future, the group considered principles and approaches to making the best use of Boulder's available solar resources in meeting its energy and environmental goals.

At a high level, the City's goals are to "ensure Boulder residents and businesses have access to reliable power that is increasingly clean and competitively priced. The community has also said it wants as much of its energy as possible to be generated locally".[1] Our hope is that this discussion will help to illuminate many of the most salient issues that should be considered to maximize renewable solar energy within the city.

The remainder of this report elaborates on the following points:

- Boulder builds from a strong base of existing solar installations in addition to its other renewable generating assets;
    - Boulder Housing Partners has been a national leader in multi-family solar installation for low income housing
- Given current prices and policies, and especially in light of the federal tax credit sunset in 2017, many customers in Boulder may require incentives to consider solar a good investment;
- The City can improve project economics by addressing barriers to solar implementation, reducing the need for incentives;
- Commercial rooftops and solar gardens offer a largely untapped solar resource with economics of scale more favorable than those in the residential sector;
- Under a municipal utility scenario, the City would have a number of opportunities to more closely shape the attractiveness of solar projects to its customers, e.g. by replacing net metering with an alternative such as a "value of solar" or other feed-in tariff

[1] https://bouldercolorado.gov/energy-future/energy-future-goals-and-objectives

The members of this working group would like to thank Council for the opportunity to present these observations, and to City staff for facilitating and enabling this group, specifically Kelly Crandall, Yael Gichon, and Jonathan Koehn.

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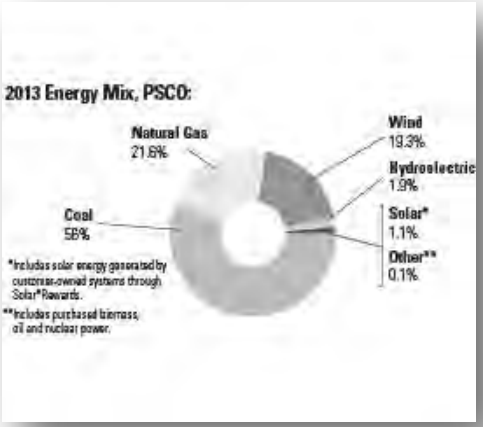
1. Recommendations for increasing local solar

- How much solar generation should Boulder target as a goal?
- The Impact of Electricity Storage
- Calculating an Incentive
- What to expect after the ITC sunsets in 2017?

In 2014, Boulder's PV capacity was 15 MW as determined by documents received from Xcel Energy. The vast majority of the PV is installed on private residences, with one community solar garden outside the City limits. This amount of PV generates 21,879 MWh annually – just under 2% of our total energy use of about 1.3 million MWh/year. The remaining 98% of Boulder's energy is sourced from Xcel's Public Service Company, and is predominantly coal (56%) and natural gas (21.6%).



How much solar generation should Boulder target as a goal?

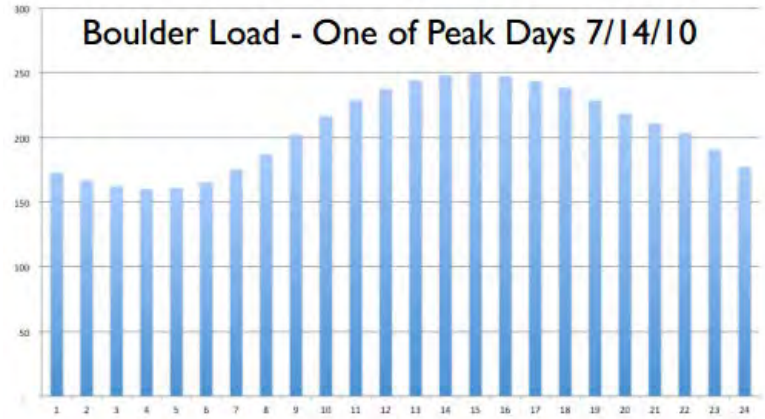
The short answer is we don't yet know how much we can deploy. There are two critical questions. First, how much solar can be reasonably installed using available rooftops, parking lots, and other unused spaces (e.g., roadside buffers such as adjacent US 36) in Boulder? Second, is there a reliability threshold for solar penetration on Boulder's electric grid? While the first question is relatively straight forward, the second is the subject of considerable debate, and is further complicated given the potential for advancing energy technologies such as battery storage, as well as not knowing how much the city will reduce its load with energy efficiency (EE) programs, demand reduction programs, storage technologies, and Time of Use (TOU) pricing. Nor can we say how much the load will increase from the possibility of electrifying the City's transportation sector.

☛ To address the first question, we encourage the city to fund and move forward on their request for proposals for a study to determine how much solar can be practically installed based on good sun exposure on residential, commercial, industrial, and institutional buildings, parking lots, south facades of commercial buildings, and other unused space.

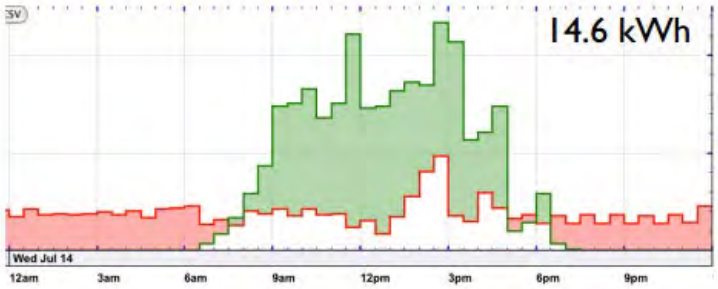
☛ To address the second question, we encourage the city to redouble its efforts to study and model current and future electric infrastructure and loads including various electric storage cost scenarios, implementation levels of EE, demand reduction mechanisms, and TOU pricing. The city should also

model various scenarios of transport sector electrification, and the resultant impacts on energy use and carbon reduction. Additional modeling options could also include space and water heating electrification via efficient heat pumps and building ice and heat storage to take advantage of low energy prices of excess solar and wind energy, when available. As an example, a recent study provides a roadmap for converting California's entire energy infrastructure to one derived completely from wind, water, and sunlight generating electricity and electrolytic hydrogen.[2]

Understanding these constraints – the capacity and the reliability thresholds - is the first step towards setting a goal. The next step is understanding the economics. The City's current annual energy requirement is 1.3 million MWh over a peak load of 229 MW[3]. Importantly, the city must plan for both capacity and energy requirement plus reserves of 10-20% [4] *and* grid-stabilizing capabilities known as ancillary services. It is also important to recognize that the peak production output of the city's solar fleet will only moderately match the peak load requirements of electricity consumers. See charts below.



This is a chart of Boulder's load for a hot July day (upper chart). Source: Xcel.



The second chart is the PV Output (green bars) from a house in north Boulder. Note that there is no PV generation after 6 PM, yet the peak load (anything above 200 MW) continues until 10 PM.

2 http://web.stanford.edu/group/efmh/jacobson/Articles/I/CaliforniaWWS.pdf

3 It should be noted that 229 MW is capacity to handle a peak load, which may be reached for only a few hours per year. The generation capacity to generate the last 20-30 MW is very expensive, because it is rarely used. As stated by the New York Public Service Commission, "The [existing] bulk power system is oversized to meet the demands of a few peak demand hours per year."

4 "For those regions that do not have a Target Reserve Margin, NERC assigns a target of 15% for predominately thermal systems and 10% for predominately hydro systems" - from ISO-New England 2012 Long Term Reliability Assessment

Solar facilities in Colorado typically produce 1,550 kWh / kW (DC) deployed and degrade roughly 0.5% per year. Even avoiding degradation – at that rate of production – Boulder will need to install roughly 420 MW of solar capacity to meet 50% of the City's energy requirements, or over 20 MW per year for 20 years[5].

Assuming 20MW per year increments, at $2.50 per watt for installed solar, the cost would be $50M in the first year alone. However, industry costs will continue to decline, and have been tracking the Department of Energy's Sunshot Initiative goal of reaching $1 / watt for utility-scale systems by 2020. Nonetheless, the investment requirements are sizeable and will be difficult to achieve unless private capital is incentivized to invest in these systems.

The Impact of Electricity Storage

The expected impact of electricity storage has been well documented in the last year and half. We have seen numerous studies predicting the demise or retrenchment of traditional utilities as a result of competition from the 'killer-app' of solar + storage. The investment bank UBS reports that the "unsubsidized solar era begins – utilities' customers turn into competitors"[6]. Barclays states, "In the 100+ year history of the electric utility industry, there has never before been a truly cost-competitive substitute available for grid power. We believe that solar + storage could reconfigure the organization and regulation of the electric power business over the coming decade.[7]

Cost-effective energy storage will be a complete game-changer for electricity generators and for those responsible for power quality and grid balancing. Not only does storage make high levels of solar installations possible, but storage can eliminate peaks and valleys in use and generation. Also, most storage works faster than fossil & nuclear generation so balancing becomes much easier, and reliability can be greatly improved. "Of all the solutions, energy storage provides the maximum flexibility and results [but] at the highest cost."[8] Indeed, the cost of storage remains an issue. In any case, Amory Lovins shows how renewable power can be 'firmed' by a combination of existing fossil fuel plants and minimal storage. See Amory Lovins' presentation showing how the variability of renewables can be 'choreographed'. It is an elegant solution presented in this 4-minute video: www.youtube.com/watch?v=MsgrahFln0s.

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[5] A practical interim goal would be to produce 50% of Boulder's *daytime* energy needs from solar. Assuming two thirds of the City's need is during the day that would mean adding about 277 MW of capacity, or 20 MW per year for about 14 years. It should be noted that these additions to solar generating capacity, are a 'pay as you go' resource. This is because the energy they produce displaces expensive energy that the City would otherwise have to purchase at wholesale rates. For example, at a wholesale rate of $45 per MW hour or $0.045 per kWh, 20 MW of solar would save Boulder about $1,300,000 in wholesale electric costs every year, that it would otherwise have to assess and collect from its ratepayers.

[6] http://qualenergia.it/sites/default/files/articolo-doc/UBS.pdf

[7] http://blogs.barrons.com/incomeinvesting/2014/05/23/barclays-downgrades-electric-utility-bonds-sees-viable-solar-competition/

[8] Tom Bialek, chief engineer at SDG&E talks about how they are addressing the high rate of solar penetration in San Diego, which he estimates will double by the end of 2015 to nearly 12% of SDG&E's peak load today. http://www.utilitydive.com/news/how-sdge-is-dealing-with-high-penetrations-of-rooftop-solar/290227/

Calculating an Incentive

The following example showing the economics of a 10 kW PV system in today's dollars, illustrates a methodology for calculating an appropriate incentive.

Simple Methodology for Calculating an Incentive

Let's assume the costs for a 10kW system is $2.50/W = $25,000 (a reasonable cost assumption as costs continue to decline and through economies of scale for large projects or large aggregations of projects). The 30% federal Investment Tax Credit (ITC) leaves a net cost of $17,500 before any utility incentive program. If a business is the owner of the PV system, the business could also take advantage of accelerated depreciation for federal tax purposes and further reduce its investment. If the business is in the 30% tax bracket, in five years it would achieve tax savings of $6,375, leaving a balance of capital cost for the system of $11,125.

Today, Xcel offers $0.03 per kWh generated by the PV system, for 10 years, as part of its Solar Rewards program. This 10 kW PV system would produce 14,586 kWh/year. $0.03/kWh x 14,586 kWh/year = $438 in annual rebates from Xcel for a period of 10 years. In return, Xcel receives the RECs to satisfy the RPS.

Also, each year's solar generation produces savings of energy costs. Using an effective utility rate of $0.12 per kWh (including all taxes and charges, and anticipating increases in Xcel's rates), the energy saving on the utility electric bill is $1,750 annually.

For a business, $438 rebate + $1,750 saving/$11,125 net capital cost represents 20% return on investment annually for five years (after five years the investment is recouped), and a 5.08 year payback period. It would not be necessary to pay the rebate past 5 years.

For a resident, $438 rebate + $1,750 saving/ $17,500 net capital cost represents 12.5 % return on investment and an 8 year payback period. It would not be necessary to pay the rebate past 8 years.

It should be noted that Xcel's Solar Rewards program is funded by a 2% charge on every retail customer's electric bill, known as the Renewable Energy Standard Adjustment (RESA). Assuming the municipal utility has the ability to levy a similar charge, without violating its charter, then those funds could incent solar installations as follows. Assume for the sake of discussion that the average electric bill to be 10cts/kWh, and assume a goal of 5% renewable generation each year in the early years. In that scenario, the funds collected would be allocated to 5% of the customer base. Therefore a new solar customer would get an incentive = 10cts x 2% / 5% = 4cts/kwh. Xcel testimony in June of 2013 shows RESA revenues from Boulder to be $2,338,307.

This example shows how tax incentives and other incentives increase the desirability of solar to private owners. By making a relatively small investment, a City utility could incentivize a much larger investment of private capital.

A third type of customer, admittedly a special case, is a business with high electric demand charges. Some businesses with relatively low charges for energy (kWh) may have very large loads at irregular times. The challenge for a City utility is to do a fair rate design for this kind of business -- a rate design which incentivizes them to invest in solar, either solar gardens or their own solar and storage system, so that the Boulder electric system is able to absorb their sudden demand needs without having to build extra capacity which is rarely used. An example of that analysis can be found in the Appendix.

A fourth type of customer to consider are those with low income; including single family home owners and home renters, and multi-family low income housing and senior housing. This is a segment of the population that is impacted the most by rising electricity costs. The City needs to look at expanding existing programs and exploring successful programs such as California's SASH (Single Family Affordable Solar Homes) and MASH (Multi-Family Affordable Solar Homes) Programs. A description of these programs can be found in the Appendix.

What to expect after the ITC sunsets in 2017?

The federal ITC is presently scheduled to be reduced from 30% to 10% at the end of 2016, but may be extended by Congress as it happened for wind's PTC in 2009 and 2013. Another possibility is that the law is modified such that construction only needs to have begun before 2017 for the project to be eligible for the 30% ITC. This would effectively extend the deadline by the length of a given project's construction cycle.

Assuming no extensions to the ITC, it will be important to understand the impact of the step down, and how much additional incentive is needed to keep solar viable. Of course, it depends. Industry pundits have prepared detailed analyses to size the gap created by the ITC step-down.[9] There are many variables to forecast out to 2017: cost of energy, cost to install, cost of capital, etc. All of these costs are coming down, but not quickly enough according to the pundits. "Current projections by Bloomberg estimate that [national averaged values in 2017] will decline to around $2.15 per watt for residential rooftop systems and around $1.34 for large ground-mounted systems. Commercial systems will likely fall somewhere in the middle [$1.74]." However, pundits estimate that prices will need to be even lower to compensate for the ITC step-down. "For commercial customers, average all-in prices in 2017 will need to be between $1.33 to $1.60, assuming a cost of capital between 6 percent and 8 percent. Residential installations in 2017 will need to be reduced to a cost range of $1.98 to $1.65."

It appears that the national average solar LCOE will lose grid parity in 2017, and solar projects will need an additional incentive until the costs come down further. Looking more locally, the City can help and is already working to reduce soft costs. Tariff design (cost-of-energy) is equally important. Net metering at the full retail or a VOS tariff will help us get closer to grid parity. Boulder can also influence the cost of capital through On-Bill-Financing programs that include loan loss reserves, etc.

☛ We encourage the City to maintain a detailed analysis forecasting declining solar costs as 2017 approaches.

[9] - http://www.greentechmedia.com/articles/read/What-Happens-When-the-ITC-Expires
- http://www.greentechmedia.com/articles/read/peering-over-the-2017-horizon-for-solar-part-2
- https://financere.nrel.gov/finance/content/solar-PV-photovoltaics-value-tax-credits-equity-accelerated-depreciation-securitization

2. The Transition from Incentives to Reducing Barriers

- Enabling Third Party Financing
- Enabling Solar Gardens and Remote Net Metering
- Other Soft Cost Reductions and Becoming a Solar Friendly Community

The group spent a considerable amount time discussing ways to facilitate greater solar uptake with programs that leverage third party funds and that do not require direct incentives from the city utility.

Enabling Third Party Financing

One of the biggest constraints for the distributed market is financing. There are generally so few players willing to take on the risk of financing smaller solar projects – especially commercial scale projects – that the cost of capital ends up being very high, in fact, only seven commercial banks currently invest in solar projects.[10]

On-Bill-Finance, PACE, and Loan Loss Reserves

One simple way to finance solar projects for residential, commercial, and Solar Garden customers is **On-Bill-Financing** (OBF). Note that energy efficiency can also be financed by OBF. There is a detailed description of OBF in the Appendix of this report. Briefly, the customer pays an extra charge on his or her electric bill to amortize the debt for the upgrade, until it is fully paid. Program design is critical for successful uptake, optimizing resources, and minimizing risk. The essential considerations include service disconnect, bill neutrality, and transferability. Details are outlined in the appendix.

As an alternative, the State of Colorado is trying a new approach to financing efficiency improvements and solar systems using a variant of **Property Assessed Clean Energy** (PACE) payments. The C-PACE program requires that purchase money lenders agree to subordinate their liens to the C-PACE lien, which is paid by extra charges on the property owner's property tax bill. This program should be in operation in the fall of 2014.

A City utility could also establish a **loan loss reserve**, to compensate investors for defaults. This would reduce risk, and result in lower interest rates. Low-cost debt is currently being obtained via **securitization** by pooling the cash flows into liquid, tradable securities, and the loan loss reserve or similar credit enhancement would reduce risk to the senior positioned debt. The reserve should be significantly larger than the anticipated or historical rate of default. The City utility can devise ways to share the risk with the financiers or limit it to a manageable threshold. There are a number of ways to address this including establishing standards of creditworthiness, and putting a limit on the number of missed monthly payments on the electric bill that the reserve would cover.

Other ideas explored include forming a consortium of local banks, and inviting leasing or crowdsourcing companies to participate in City programs.

To enjoy better **economies of scale**, the City utility could act as a project aggregator, taking applications or agreements of intent to join a solar garden or other solar project, and putting them out to bid to

[10] http://www.solarreviews.com/news/crowdsourcing-solar-energy

developers as a large project or series of large projects, say $1 million or $1.5 million each.

The City utility can also set quality standards for panels, inverters, and other system components that connect with the City grid, part of a city administered program (such as OBF), or otherwise incentivized by the city.

Enabling Solar Gardens and Remote Net Metering

We believe solar gardens have an important role in a community's portfolio of renewable energy generation. Solar Gardens provide a necessary offering for those with inadequate space on their property, such as those with shading or subpar orientations.[1] Also, renters and residents of condominium buildings who have been traditionally excluded from investing in solar power can participate. Moreover, Solar Gardens enjoy improved economies of scale, optimal project siting, and the flexibility of a liquid investment. Solar gardens are typically ground-mounted, 50-year installations that avoid re-roofing issues, and avoid added structural expense of high-tilt solar carports. Boulder has suitable land that is not developable for other purposes. We recommend that the City identify these preferred locations for solar gardens as part of the up-coming RFP and additionally to designate solar gardens as a permitted use in the zoning code for those locations.

Remote Net Metering (RNM) is similar to solar gardens in that the generation occurs in a separate location than where the energy is consumed. RNM is another good solution for customers who cannot site solar where they consume it. Roughly 80% of Boulder's consumption is from Commercial and Industrial users. Many of these do not have adequate roof space on-site to offset their energy consumption with solar generation. On the other hand, there are other low energy-intensive buildings, such as warehouses that have very large roof spaces and relatively low energy requirements. RNM creates synergy between these two types of properties and ensures that the roofs with the best potential are fully utilized.

Both Solar Gardens and Remote Net Metering offer a potential benefit for our low income community. Possibilities include Low Income Housing authority Solar Gardens for their properties that cannot have on-site solar to allowing residential and commercial customers who produce annual surplus of power to donate or sell at a reduced rate to a low income pool via RNM.

It is worth noting that both Feed-in-Tariffs and Value-of-Solar Tariffs can also accommodate remote generation, and credit the owner's primary electric bill.

Other Soft Cost Reductions and Becoming a Solar Friendly Community

Soft costs associated with solar installations are defined by the National Renewable Energy Lab to include: customer acquisition, permitting, inspections, interconnection, installation labor, and financing. Of these, the City can do something about permitting, inspections, and financing (discussed above). The group discussed some options that the city could explore to reduce the soft costs associated with installing solar, such as putting an application form online, giving priority to processing solar projects (consider generic permits for common projects), and arranging for quick inspections.

Solar Friendly Communities (solarcommunities.org) is a program led by the Colorado Solar Energy Industry Association which aims to encourage the expansion of solar energy by making it easier for citizens to install solar systems on their homes and businesses. Communities can earn recognition at various levels by complying with certain standards related to their solar processes. The group recommended that the city pursue platinum level certification. Many of the soft cost reduction strategies discussed by the group are addressed through the Solar Friendly Communities Project.

3. Tariff Design

- Rate Design
- Net Metering
- Feed in Tariff
- Value of Solar Tariff
- The Solar Hedge

The Solar Working Group looked closely at the Value of Solar Tariffs (VOST) and debated its advantages as compared to Net Energy Metering (NEM) and Feed in Tariffs (FiT). The group did not reach a consensus on the best choice for Boulder or even whether a monetary incentive is needed. However, if Boulder deems it necessary or desirable to compensate solar generation for environmental and other beneficial attributes associtated with solar energy, then they will want to implement one of these programs.

The underlying **Rate Design** (e.g. inclining block, time of use, real-time pricing, demand charges, minimum bills, etc.) should be carefully considered in conjunction with NEM, VOST, and FiT. Each one of the riders can undervalue or overvalue PV output depending on how the rates are designed. Also, it is important to consider the impact of these mechanisms and rate design in the context of **other distributed energy resources** that can increase the value of PV to both the customer, to the system and to society. For example, under NEM, there is little or no incentive to install storage or to orient panels to better align PV output with customer peak, feeder peak or system peak. If the rates underlying NEM are designed to encourage other beneficial behavior, then we can maximize PV value as well (and NEM, VOST or FiT may ultimately become unnecessary entirely).

Net Metering is the default mechanism in most of the United States. Net Metering combined with an Incentive (typically a Performance Based Incentive - PBI) unbundles and pays for energy and the RECs separately. NEM is intended for behind-the-meter projects that can also take advantage of Time-of-Use tariffs, tiered pricing, etc. While Xcel offers a PBI in conjunction with NEM, it is not necessarily common across the country and each are paid for differently. That said, the solar economics generally don't work without the PBI, and those markets are not viable (with the exception of states with other local incentives or those where grid parity has arrived). Like a FiT, the PBI that is paid for the RECs is pre-determined with regressive steps for cummulative amounts of solar deployed. There are variations, but this is the typical model. Payment for the energy is made possible by NEM and tied to broader market rates, or the wholesale price of energy for the utility.

A **Feed-in Tariff** offers a long-term standardized contract with a pre-determined price for both RECs and energy. These projects interconnect on the utility side of the meter, and are not for net-metered customers. The price is set to enable the developer to cover his costs and make a reasonable profit, but without accurate cost data can lead to under-pricing with slow uptake or over-pricing driving irrational demand and boom/bust market behavior. FiTs often include a "tariff degression", a mechanism that ratchets down the price over time, typically by steps according to cumulative capacity installed in order to encourage technology cost reductions. Here again, the degression can create inappropriate pricing.

A **Value of Solar Tariff** is an alternative to Net Metering. Like a FiT, the VOST pays the solar owner one price for both the energy and the additional beneficial attributes of solar over the duration of the term of the agreement. Unlike a FiT, the VOST is not subject to a predetermined price degression. Rather the VOST is priced with a formula which can be changed by regulators and whose inputs (such as fossil fuel costs) will change from year to year, up or down. There are concerns that regulators can destabilize a local market with inconsistent long term pricing, especially where good-faith engagement and oversight on the part of electric utilities is absent. Transparent ratemaking and an open stakeholder process is crucial for a VOST to be successful. There are other questions that a 'buy-all, sell-all' VOST might create taxable revenue for the solar owner, and make them ineligible for the 30 percent federal Investment Tax Credit. To avoid this, the VOST must be designed such that the solar owner is "not selling their power into the market or to the utility, only receiving a bill credit, that never becomes cash, for the quantity of their generation, whether exported or not. There is no title transfer for the energy, no sale arrangement. No power purchase agreement. No term limitation as with FIT arrangements."[11]

The **Solar Hedge** enjoyed by many solar owners is allocated differently between a NEM, VOST and FiT. The Solar Hedge is the difference between a fixed-cost solar asset and a conventional fossil-based generation asset with escalating prices to cover rising fuel costs. Typically a FiT offers a single fixed price for all energy and additional beneficial attributes over a period of 15-20 years. In this case the solar hedge is enjoyed by the utility. On the other hand, Net Metering and VOST enable the solar owner to enjoy the solar hedge. Net Metering allows the solar owner to displace escalating fossil energy costs with fixed solar energy. Similarly, VOST pays the solar owner a price for the energy that keeps pace with the cost of conventional energy.

This has been a cursory review of the options and a more detailed analysis of the relative benefits of each of these must still be done before a final decision can be made. That said, a rigorous analysis of the value of solar would be useful for any of the three mechanisms. The Utility can use the results of such an analysis as a benchmark for a NEM/PBI or a FiT. This raises the question of whether it is better to price an incentive for value delivered or for filling an economic gap. Ideally, these two valuations are the same, but that would be a pure coincidence since they are moving in opposite directions. The economic gap is shrinking as solar costs decline and conventional energy costs increase. Whereas the value of solar (including avoided transmission costs, and environmental and societal benefits) is going up. The answer depends on the goal. If the goal is to achieve certain targets of solar deployment, then the

[11] http://www.rabagoenergy.com/blog/files/7e122e00fee74d130957e50188eca496-13.html

utility must focus on filling the economic gap. If the goal is philosophical and intellectual honesty, then a value of solar analysis is appropriate.

Papers comparing Net Metering, VOST, and FiT:

1. Nevada Net Energy Metering Impacts Evaluation (just released last week) - http://puc.nv.gov/uploadedFiles/pucnvgov/Content/About/Media_Outreach/Announcements/Announcements/E3%20PUCN%20NEM%20Report%202014.pdf
2. California Net Energy Metering Ratepayer Impacts Evaluation - http://www.cpuc.ca.gov/PUC/energy/Solar/nem_cost_effectiveness_evaluation.htm
3. Solar Electric Power Association - Ratemaking, Solar Value and Solar Net Energy Metering - http://www.solarelectricpower.org/media/51299/sepa-nem-report-0713-print.pdf
4. Regulatory Assistance Project - Designing DG Tariffs Well - http://www.raponline.org/press-release/designing-distributed-generation-tariffs-well-ensuring-fair-compensation-in-a-time-of

Appendix

- Opportunity Matrix
- On-Bill Repayment / Financing Notes
- Boulder Docket
- Programs to Reduce Load
- Incentive Calculation for a Business with High Demand Charges
- California's Affordable Solar Housing Programs

Opportunity Matrix

The following list of solar opportunities is excerpted from the working document for our group as we considered the top priorities for exploration by the City. Many of these are discussed in detail in the body of the report.

On-Bill Financing

On-Bill Financing for the repayment of a solar loan in monthly installments on a utility bill. There are existing working models and industry inertia for this method of financing and the default rate and administrative costs are low.

Strategies to Reduce Soft Costs

NREL has defined "soft costs" to include: customer acquisition, permitting, inspections, interconnection, installation labor, and financing. The City of Boulder can streamline permitting and inspections and reduce overall capital costs through financing options. State sales and use taxes are already exempt for solar through 2017. Local jurisdictions can choose to exempt it as well. Local building codes could also be revised to ensure that all new construction or substantial remodel is "solar friendly".

Property Tax Impacts

The City of Boulder, working with Boulder County, could explore ways to reduce the burden of personal (or real) property tax that is a substantial percentage of the cost.

Smart Grid

Implementing a smart grid in the city would include intelligent monitoring devices for grid conditions and renewable generation. It may also include advanced customer-facing technologies.

Value of Solar Tariffs

A methodology for valuing solar to compensate the customer for providing generation, while also including value to the utility, non-solar customers, and society. The Value of Solar is a substitute for net metering. It includes components for avoided fuel cost, avoided plant O&M (fixed), avoided plant O&M (variable), avoided generation capacity cost, avoided reserve capacity cost, avoided transmission capacity cost, avoided environmental cost, avoided voltage control cost. This is the Value of Solar to a non-solar customer as well as a solar customer, so this approach is a fair demonstration that there is no cost-shifting to non-solar customers, i.e., the solar customer gets credit for the money he or she saves the non-solar customer.

Net Metering and Virtual Net Metering

Traditional net metering includes the option to carry forward any net generation to the next month or year. Virtual net metering is a billing system that could be used in conjunction with concepts such as Community Solar Gardens.

On-Bill Repayment / Financing Notes

On Bill Finance (OBF) is a program financed by the utility, e.g. via rate payer funds, city bond, etc. A loan is made to the customer to pay for energy efficiency or solar PV upgrades. Regular monthly loan payments are collected by the utility on the bill until the loan is repaid. Typically credit is given to customers with one year of bill payment history. If the utility is not in the position to self-source the funding, then instead they can simply administer a loan program funded by a third party bank or leasing company. This variation is called On Bill Repayment (OBR).

Essential components to an OBR/OBF program

Service Disconnect. On-bill loans are tied to utility service and the threat of disconnecting power will keep defaults low. Note that the disconnect policy should not be more stringent than without the OBR program.

Bill neutrality. The expected savings must equal or exceed the new loan payments. The customer's net cash flow will improve after the loan. Bill neutrality mitigates risk to the lender.
Other considerations:

- A standard method/model can be used to curb over-zealous contractors.
- Excess savings (beyond bill neutrality) can be mandated to further mitigate risk.

Transferability. A special tariff can be assigned to the meter that is non-negotiable for new tenants / homeowners. The tariff is a bill adder that repays the loan. Transferability mitigates risk to the lender.

Low interest rates. Support from the utility – e.g. credit enhancements, loan loss reserve, subsidies, etc. – is needed to achieve low interest financing. Otherwise market rates will prevail. Lower default rates may result in cheaper financing.

Scale. Boulder may not be large enough to attract competitive third-party financing.

- Boulder can potentially piggyback on others' programs, e.g. Hawaii
- Use local banks, leasing companies, or crowd sourcing
- Fund internally

Lessons from other States

California is pursuing several pilots. However they failed to include transferability in the rules. They are not getting meaningful participation from banks.
Hawaii is implementing an OBR program and includes transferability.
Connecticut, NYSERDA, and others (need more research) have plans for an OBR program.
Fort Collins program has had very slow uptake

- 5-6% interest rates
- Loan terms of 5, 7, and 10 years make it very hard for bill neutrality on PV.

- Convenient alternatives and incentives
    - Instant approval from GE financing, whereas 24 hours approval from FC despite 10% money.
    - GE offers the contractor a SPIFF
- No transferability. Loans are tied to the person.

Comparisons to other programs

How does OBF compare to other financing programs wrto convenience and administrative cost?

- PACE, you must deal with the tax assessor in each town/county. Only loans so far. Trying to do leases. Real Property Liens will likely continue to slow progress. (Monitor State PACE with Paul Scharfenberger at OEC.)
- OBF program can aggregate over wider area (ideally state wide)
- OBF's transferability feature enables rental properties to participate
- More follow up needed on this question …

Credit underwriting process

For OBR, Commercial customers would still be subject to a thorough financial review, which could burden the process. In addition, banks can only loan on unsecured assets up to 30-50% of project cost due to cash flow and Debt Service Coverage Ratio (DSCR) limitations.

Alternatives to conventional banks

- use a leasing company (unregulated - can make credit decisions quickly, cheaply)
- use local banks – likely same DSCR limitation but could be more flexible.
- use crowd sourcing

Other Questions for follow up:

- What are upfront and ongoing costs of administering such a program?
- Credit questions
    - new entrant with no history?
    - new tenant taking over an existing OBR loan?
    - limits to loan amounts?
- How are payments amortized? Similar to mortgages?
- What are the legal issues to set up a program?
- How can the loan amount be increased to cover 100% of after tax system costs?
    - (Commercial) Look at coupling solar with demand shaving storage. Faster payback with larger loan amounts – both good for the lender.
    - Leasing company limits?

Boulder Docket

The Boulder Docket is an Xcel filing with the Colorado Public Utilities Commission (PUC) to clarify that Solar*Rewards contacts terminate if the customer is no longer an Xcel customer and to limit the ability of Boulder residents participate in solar gardens and Xcel's demand management programs. [12] Xcel argues in the filing that it needs to protect its non-Boulder ratepayers in the event Boulder withdraws from Xcel and sets up a municipal utility. The city sought feedback from the Solar Working Group on the best way to handle existing and new solar contracts preparing to have a conversation with Xcel and state regulators about what compensation, if any, is due to the utility company if Boulder decides to operateits own municipal utility.[13]

The Solar Working Group had these comments:

To ensure thatBoulder customers are not harmed, the city should consider taking over the existing solar contracts and providing net metering; or there needs to be a different creative solution that gets to a similar end.

It may not be necessary for the city to have the solar RECs. The RECs are necessary to demonstrate compliance with the state Renewable Energy Standard (RES), but if Boulder is obtaining more than 10% of its power supply from renewable energy as a municipal utility, the solar RECs are not necessary to meet state requirements.

It is reasonable to think about the net metering "bank" (the solar energy that has been generated in excess of what is used by customers on-site) as a benefit Xcel has received, so that cost should be subtracted from anything Boulder is asked to pay. However, the working group differs on whether there is actually a large net metering bank. On the one hand, installers may size to 100% of load instead of the 120% limit allowed by state law. On the other hand, most of those in the working group who had on-site solar seemed to have at least some bank.

In thinking about creative solutions to solar gardens there are two options at the time of municipalization: (1) take over any solar garden that is installed in Boulder, or (2) form a city solar garden. For the latter, financing would be straightforward, but interconnection could be difficult. The sooner the solar garden is developed, the better, because the the Investment Tax Credit (ITC) will drop in 2017. Emphasize the big-picture perspective that this is about values, not costs. This is not necessarily a ratemaking perspective In this vein, the discussion about the value of solar for net metering is critical to this docket. Xcel is saying that solar is worth its costs while others are saying solar is worth its value. Xcel is saying solar is very valuable from Boulder but not valuable generally.

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[12] The original application, filed in Proceeding No. 12A-155E, was determined by the Commission to be premature. Xcel re-filed the application in early 2014 in Proceeding No. 14A-0102E. Information about the first proceeding is available at http://www.dailycamera.com/news/boulder/ci_20964910/puc-rejects-xcel-bid-limit-boulder-access-energy.

[13] http://www.dailycamera.com/news/boulder/ci_20964910/puc-rejects-xcel-bid-limit-boulder-access-energy

Programs to Reduce Load

(1) Continue and augment existing programs to promote efficiency, such as: encouraging the substitution of LEDs for existing lighting; substitution of energy efficient windows for existing windows; exchange of inefficient appliances; promote installation of heat-exchange ventilators; better caulking and draft prevention; etc. Promote passive solar design elements in building renovations.

(2) To stimulate efficiency, consider adopting an ordinance similar to ordinances passed by many other municipalities, requiring energy audits by certified auditors (the present Boulder pilot program is voluntary). The results of the audit would be furnished to the building owner and to the City; the City would post the results on a website, which could be consulted by prospective purchasers and renters.

Year 1 – audits of all buildings ≥ 50,000 square feet
Year 2 – audits of all buildings ≥ 40,000 square feet
Year 3 -- audits of all buildings ≥ 30,000 square feet
Year 4 -- audits of all buildings ≥ 20,000 square feet
Year 5 -- audits of all buildings ≥ 10,000 square feet
Audits should be repeated every 5-10 years.

For residences, an energy audit could be required for all residences, including condos, exceeding, say, $300,000 in selling price, with a copy of the audit to be made available for prospective purchasers.

It should be recognized that many building owners are busy people and are simply unaware of how low building efficiency and higher energy costs affect their budgets and bottom lines. These audits would increase their awareness of the true cost of inefficiency, even if they do not contemplate a sale.

(3) Planning for the anticipated reduction in the peak load, shifting in time of the effective peak load (taking into account solar generation) and storage of energy to facilitate peak shifting and reduction (and to reduce expensive purchases of wholesale power). Planning for strategies to reduce peak load, such as TOU pricing design, charging stations for electric vehicles and plug-in hybrids in parking lots and parking garages, planning for vehicle to grid power storage. Planning to take full advantage of the Smart Grid to provide real time information, including pricing information, to customers and managers.

(4) Continue existing survey of available and suitable roof areas for solar systems AND feasibility of battery storage of power in buildings.

(5) To facilitate competition and comparison bids for solar systems, require solar installers bidding on City contracts to break down their bids into cost components: solar panels, racking, BOS, labor, profit margin and overhead; also to disclose experience in the field of solar installation, and possession of proper bonding and insurance. The City would also maintain a publicly available list of such contractors for the City, and of other contractors who agree that this information will be included with their name on the list, and agree to provide bids in the above format to all private parties who wish them to bid on a project.

(6) Plan to divide the City into microgrid areas, including solar and energy storage resources in each area, to increase resiliency in event of power problems. Plan to use the Smart Grid to instantly locate problems and reroute energy flows in case of a circuit interruption or problem.

(7) Continue planned upgrading of Boulder in the Solar Friendly Community program to achieve platinum grade.

(8) Work with Boulder County and large communities in Boulder County to achieve a uniform building permit application and uniform requirements for solar systems, reducing soft costs so installers and developers do not have tailor and custom-create each application according to the particular requirements of many different jurisdictions.

(9) Work with Boulder County to gain exemption of solar installations of 1 MW or less from personal property taxation under Colorado property tax law, thus removing a barrier and reducing soft costs.

(10) Involve the universities and colleges in Boulder in the solar program.

(11) Develop formpad legal agreements and paperwork, so that each large deal is not separately negotiated, thus reducing soft costs. A good starting point is the NREL SAPC library.

(12) Consider developing a “mini market” within the City, where solar and other producers can buy and sell excess generation and storage resources.

Incentive Calculation for a Business with High Demand Charges

A business with high electric "demand charges" represents a special case. Some businesses with relatively low charges for energy (kWh) may have very large loads at irregular times. For example, a business in Denver crushes cars and scrap metal; when its crushers operate (roughly 20 hours per month) it makes large demands for power on the system, i.e., the crushers have a high nameplate capacity - say 50kW each.

Xcel deals with this by imposing low energy charges, around $0.023 per kWh, but high demand charges, up to $15.52 every month per kW of capacity for the peak kW demand. Xcel takes the highest 15 minutes per year to establish the peak demand for billing. Thus, if the crushers operate at 100 kW capacity, Xcel bills $1,552 per month as a demand charge, while only charging $100-$200/month for energy.

The Community Solar Gardens (CSG) law offers an alternative to this billing practice. Section 3665 of the Colorado PUC Rules, allows a commercial/industrial customer on a demand tariff who invests in a CSG, to receive a billing credit which uses the "total aggregate retail rate." The total aggregate retail rate is the total of all charges, including energy and demand charges, for the most recent calendar year, divided by the customer's total electricity consumption for the year.

For example, suppose the customer invests in solar by investing in a CSG and buys 10 kW, which will produce 14,486 kWh per year, for which the customer receives bill credits. If the customer pays $200 in

energy costs per month and $1552 in demand costs per month, that is an annual payment of $21,024 per year. If the customer uses 1,000 kWh per month for normal operations and 20 hours x 100 kW = 2,000 kWh for the crushers, that is a yearly usage of 36,000 kWh. Dividing the total cost - $21,024 - by the total electricity consumption - 36,000 kWh - yields a total aggregate retail rate for this demand tariff customer of $0.584 per kWh. Multiplied by the customer's 14,586 kWh per year of solar production credits from the CSG, yields credits worth $8,518. If the business had a net after-tax-benefit investment in the CSG of $11,125, it would recoup its investment in 1.3 years!

The challenge for a City utility, which is not subject to the CSG law and rules, is to do a fair rate design for this kind of business -- a rate design which incentivizes them to invest in solar, either solar gardens or their own solar and storage system, so that the Boulder electric system is able to absorb their sudden demand needs without having to build extra capacity which is rarely used.

California's Low Income Affordable Solar Home Programs

The Programs originated with California Assembly Bill 2723, which directed that a minimum of 10% of California Solar Initiative funds be set aside for programs assisting low-income households in accessing solar technology.

SASH: Single-Family Affordable Solar Housing

Program Goals

- Create broad community engagement with solar in low-income affordable housing.
- Provide education for low-income homeowners on the benefits of energy efficiency and solar technologies.
- Enroll and refer qualifying families to providers for energy efficiency services.
- Enable low-income families to access money-saving solar technologies by providing up-front incentives.
- Provide opportunities for community volunteers to participate and for public-private partnerships supporting low-income communities to develop.
- Support local green-jobs training and workforce development programs by enabling job trainees to participate in solar electric system installations.

Mash: Multi-Family Affordable Solar Housing

Program Goals

- Stimulate adoption of solar power in the affordable housing sector.
- Improve energy utilization and overall quality of affordable housing through application of solar and energy efficiency technologies.
- Decrease electricity use and costs without increasing monthly household expenses for affordable housing building occupants.
- Increase awareness and appreciation of the benefits of solar among affordable housing occupants and developers.

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CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
July 29, 2014

1. CALL TO ORDER AND ROLL CALL

Mayor Appelbaum called the special July 29, 2014 City Council meeting to order at 6:04 PM in Council Chambers.

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

ORDER OF BUSINESS

2. PUBLIC HEARING

A. CONSIDERATION OF AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING ACCEPTING BUILDING PERMITS AND SITE REVIEW APPLICATIONS THAT WILL RESULT IN ADDING FLOOR AREA TO THOSE AREAS ZONED BMS THAT ARE LOCATED IN THE GENERAL AREA DESCRIBED AS THE UNIVERSITY HILL BUSINESS DIRECT UNTIL AUGUST 20, 2014 AND SETTING FORTH RELATED DETAILS.

City Attorney Tom Carr and Executive Director of Community Planning David Driskell presented on this item.

The public hearing was opened at 6:12 PM

1. Zane Blackmer – Spoke about his property at 1111 Broadway and passed out plans and drawings related to a mixed-use project at the site. He commented that he had attended a pre-application meeting with the city the week before and the moratorium would impact his ability to move forward with his mixed-use project. He explained the benefit of offering dense housing in the area of the university to free up residential rentals for families and decrease the complaints from homeowners regarding student renters.

2. Mike Boyers – Spoke as a redeveloper that had worked on and near The Hill. He expressed concern about the proposed ordinance and noted that there should be further discussion regarding the vision for the area. The challenges of developing commercial space for “Start –Up” businesses may if financially unfeasible. He then noted that when surveyed, adults expressed no desire to live on The Hill. It made far more sense to provide housing for student rentals.

There being no further speakers, the public hearing was closed at 6:33 PM.

Council Member Shoemaker commented on the importance of revitalizing The Hill district and expressed his support for the proposed ordinance.

Council Member Plass moved, seconded by Council Member Shoemaker, to adopt Emergency Ordinance No. 7986 temporarily suspending accepting building permits and site review applications that will result in adding floor area to those areas zoned BMS that are located in the general area described as the University Hill Business District until August 20, 2014 and setting forth related details.

Council Member Plass commented that the moratorium was short in duration and assured people that there would be a more robust conversation before any decision was made to extend the moratorium.

Council Member Cowles spoke to the importance that the community had voiced for the revitalization of The Hill district. Council would need time to have the conversations required to make the most informed decision possible. He noted that he would support the proposed ordinance.

Council Member Jones expressed support for the proposed ordinance and spoke about the need to make The Hill more vibrant.

Mayor Appelbaum also spoke in support of the proposed ordinance. He also spoke about the importance of staff bringing back strong evidence supporting the moratorium if there was a desire to extend it.

Council Member Karakehian recalled the history of working toward revitalization of The Hill. He expressed excitement about the upcoming ballot question that could make the funding the funding for revitalization efforts a reality.

Council Member Morzel noted that Council took putting a moratorium in place very seriously. She commented on the importance of property owners engaging in revitalization conversations.

Council Member Young commented that she would be supporting the proposed ordinance.

The motion carried 8:0, with Council Member Weaver absent. Vote taken at 6:52 PM.

3. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on July 29, 2014 at 6:52 PM.

Approved this ___ day of _____, 2014.

APPROVED BY:

_____
Matthew Appelbaum, Mayor

ATTEST:

_____
Alisa D. Lewis, City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Consideration of a Motion to Accept the Study Session Summaries on the AMPS Update from June 10 and July 29, 2014

PRESENTERS:
Kathleen Bracke, GO Boulder Manager, Public Works Transportation
Molly Winter, Director, Downtown and University Hill Management Division and Parking Services (DUHMD/PS)

EXECUTIVE SUMMARY

This agenda item provides a summary of the June 10 and July 29, 2014 study sessions on the Access and Management Parking Strategy.

The purpose of the study sessions was to request council feedback on the following:

1. Review and discuss the draft Access Management and Parking Strategy (AMPS) project purpose, goals, guiding principles, proposed schedule and milestones; and
2. Review and discuss the AMPS seven areas of focus.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff recommends Council consideration of these summaries and action in the form of the following motion:

Motion to accept the June 10 and July 29, 2014 study session summaries on the Access Management and Parking Strategy.

Access Management and Parking Strategy Study Session

Summary
COUNCIL CHAMBERS
JUNE 10, 2014

PRESENT
City Council: George Karakehian, Tim Plass, Suzanne Jones, Mary Young, Sam Weaver, Macon Cowles, Andrew Shoemaker

Staff members: Jane S. Brautigam, City Manager; Molly Winter, Downtown and University Hill Management Division and Parking Services Director; Tracy Winfree, Director of Public Works for Transportation; Kathleen Bracke, GO Boulder Manager; Chris Hagelin, Senior Transportation Planner/GO Boulder; Kurt Matthews, Manager Parking Services; Eric Guenther, Assistant Parking Manager; Lesli Ellis, Comprehensive Planning Manager; Jay Sugnet, Senior Planner, Community Planning and Sustainability.

STAFF PRESENTATION
Winter and Bracke provided a project overview and update to City Council on the Access Management and Parking Strategy (AMPS) project emphasizing these key points:

- AMPS encompasses existing access and parking districts and programs as well as taking a citywide approach tailored to addressing existing and future needs of different areas throughout the community.
- AMPS includes exploring opportunities to improve managed parking and multimodal access for public and private parking areas, including both on and off-street, within existing districts and throughout the community.
- AMPS considers all modes of transportation – autos, transit, biking and walking.
- AMPS is an interdepartmental effort and supports the city's sustainability framework.
- City boards and commissions are involved and engaged providing valuable feedback and ideas throughout AMPS process.
- AMPS includes seven focus areas:
    - District Management (Existing & New Districts)
    - On & Off Street Parking
    - Technology
    - Transportation Demand Management
    - Parking Code Changes (Auto & Bike)
    - Parking Pricing
    - Enforcement
- Cultivating partnerships and on-going collaboration across city departments and with community stakeholders is key and will maximize co-benefits of AMPS outcomes with other integrated planning initiatives such as Transportation Master Plan, Climate Commitment, Economic Vitality plan, corridor plans, and upcoming update to the Boulder Valley Comprehensive Plan (BVCP).

AMPS is a multi-year project that integrates with existing city planning efforts and on-going programs and operations. Community engagement is an important aspect to ensure a breadth of

input from residents, businesses, employers/employees and visitors. A communication strategy plan is being developed and implementation will begin this summer.

The first phase of the project in 2014 includes best practices research, followed by policy analysis for all of the seven AMPS focus areas. Work will continue into 2015 on developing recommendations for short-term as well as long-range implementation strategies.

Staff will be checking in with boards and commissions in September and will return to Council in October to provide an update and seek feedback on policy analysis, options, and next steps.

Expert panels will be used at specific points in the project to bring input from practitioners who are considered to be implementing best practices and innovative strategies in their communities.

The outcome of AMPS will be a citywide access management and parking strategy that will be incorporated into planning, operations, projects and programs moving forward.

Since AMPS covers both existing efforts as well as creating a future, citywide access management strategy, there are a number of early action items as a part of ongoing work programs. These include:

- Technology improvements including parking pay by cell, variable messaging signs in the garages.
- Installation of electrical vehicle powering stations.
- Creation of first pilot parklet on the hill.
- Public private partnerships for shared parking on the hill and downtown.
- Coordination with other city plans including the Civic Area Plan, North Boulder Area Plan, Transportation Master Plan update, Envision East Arapahoe corridor plan, , and Climate Commitment as well as update for the BVCP.
- First phase of auto and bicycle parking code changes.
- On-street car share policy.
- Transportation Demand Management (TDM) Toolkit for private development.

Bracke and Hagelin provided background on the TDM Toolkit for private development early action item. The city works with Boulder Transportations Connections (BTC) to implement the existing program and the evaluation criteria for the private TDM plans. The AMPS' TDM focus area work is being coordinated with the Transportation Master Plan Update. Currently the TDM programs are voluntary and city involvement and oversight/evaluation is done on a short term (< 3 year basis). Staff and BTC currently provide basic level of on-going technical assistance to developments and businesses. The best practices research includes options to broaden the package of services including car share, bike share, along with the Eco Pass as well as provision of technical support by the city and/or community partners. Initial findings from the research indicate the importance of the development context, the size and location of projects, and access options available. This research will also include exploring longer term TDM program evaluation methods for compliance and effectiveness. Options range from continuing with the current voluntary and encouragement based approach, to a more systematic, regulated and/or required approach. Staff is seeking input from community stakeholders as well as considering

research on national best practices to develop potential options to bring forward for boards and City Council to review in the fall 2014.

Winter provided background on the district access projection methods and how the model incorporates all modes (transit, bike, walking, and vehicles) in making transportation access projections for the future; the important role of TDM programs being the first option and the interplay of using incentive and disincentive to affect mode shift. The district access projections include an expectation that additional private sector parking may need to be considered in conjunction with the district parking provided to meet the area's needs. Partnerships with private developers and property owners will be a strategy for the future as land options decrease with build out. Also the partnership approach supports the "SUMP" principles – parking that is shared, unbundled, managed and paid. Winter also provided information about the downtown garage waitlists being the longest in recent memory and the downtown alternative mode share being approximately 60%.

COUNCIL DISCUSSION

Specific feedback from individual Council members was provided in response to questions requested by staff:

1. ***Does City Council agree with the AMPS project purpose, goals, and guiding principles?***

   - Council members suggested adding the following to the AMPS guiding principles: safety, and more emphasis on the relationship to the city's climate commitment and other planning projects, and ensuring it supports a diversity of people – all ages and stages of life.

2. ***Does City Council have input on the proposed AMPS approach and timeline for AMPS?***

   - Concern was expressed regarding the communities selected for best practices research; a broader range of communities needs to be considered that reflect the values of Boulder, including international communities that have made greater strides in reducing cars in the downtown areas.
   - A greater focus on providing evaluation data to assess impacts and effectiveness needs to be incorporated into the best practices research, and more information needs to be included regarding how AMPS will support the city's sustainability framework, Climate Commitment, and master plan goals.
   - The pros and cons of different measures of levels of service and traffic congestion were discussed and their role in supporting walking, biking, and transit. Traffic congestion can be a sign of a healthy downtown; and it can be an incentive for people to take other modes of transportation. Need to develop strategies to support and balance the needs of all modes.

3. ***Does City Council have input on the AMPS list of 2014 work program topics? Are any missing?***

- There was general sentiment from Council that the TDM Tool Kit for private development needs to have more “teeth” in the regulations in order to ensure effectiveness of the program both in the short and long term.
- Look at a broad range of tools in the TDM toolkit to ensure equity across the city including the possibility of charging for parking elsewhere, the impacts of new development. Need to keep a vibrant downtown and find a balance. Cannot park our way out of the situation; need a variety of options.
- Look to Boulder Junction as a model for other areas of the community.
- Offer different programs that are targeted to reach the variety of audiences – employees, residents, visitors.
- Consider different options for different areas of the community, existing districts as well as new areas. Integrate AMPS work with other city planning projects such as North Boulder, Civic Area, and East Arapahoe.
- Adequate parking for downtown is a concern as downtown grows along with increasing the use of other travel modes.
- Include consideration of “edge” parking options - lots at the fringes of the city to intercept automobiles and provide transit to the center of the city.

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Access Management and Parking Strategy Study Session

Continued from June 10, 2014

Summary

COUNCIL CHAMBERS

July 29, 2014

PRESENT

City Council: Matt Appelbaum, Lisa Morzel, George Karakehian, Tim Plass, Suzanne Jones, Mary Young, Macon Cowles, Andrew Shoemaker

Staff members: Jane S. Brautigam, City Manager; Molly Winter, Downtown and University Hill Management Division and Parking Services Director; Kathleen Bracke, GO Boulder Manager; Chris Hagelin, Senior Transportation Planner/GO Boulder; Kurt Matthews, Manager Parking Services; Eric Guenther, Assistant Parking Manager; Lesli Ellis, Comprehensive Planning Manager; Jay Sugnet, Senior Planner, Community Planning and Sustainability; Donna Jobert, Financial Manager, DUHMD/PS.

STAFF PRESENTATION

Winter and Bracke provided a project overview and update to City Council on the Access Management and Parking Strategy (AMPS) project as a continuation from the June 10 City Council Study Session presentation with an emphasis on the following:

- What staff heard in the June 10 study session and how that input was incorporated in the revised AMPS guiding principles, best practices work, and overall project approach;
- AMPS focus areas, 2014 work program, and relationship to the TMP and other city planning efforts.

COUNCIL DISCUSSION

Specific feedback from individual Council members was provided in response to questions requested by staff:

1. ***Does City Council have comments on the seven AMPS areas of focus?***
2. ***Are there any additional comments on the project purpose, goals, guiding principles, approach and timeline?***
3. ***What are we missing that should be included in AMPS?***

GENERAL

- Overall, many members of Council expressed support for the project and believe it is shaping up well.
- TMP mode share and vehicle miles traveled goals are important components and should guide work in all of the AMPS focus areas.
- Metrics will be needed to measure potential impacts, effectiveness, and success and allow for adaptive management (i.e. course corrections).

- Although metrics are important, need to be cautious in how the numbers are interpreted and used.
- Important to underscore the relationship to other plans, in particular the Transportation Master Plan and Climate Commitment.
- Best practices research needs to clarify which cities we are trying to emulate or simply learn from in the different focus areas of AMPS. We need to understand the context and what is appropriate for Boulder. For example, while we don't want to be like Houston, but we can learn from work they are doing specific to neighborhood benefit districts. Also need to consider the impacts of unintended consequences.
- Although getting best practices from other cities is great, staff is encouraged to invent new programs and approaches as well.

DISTRICT MANAGEMENT

- Concern expressed about the city's parking lot waiting list downtown and the potential for spillover parking in the surrounding neighborhoods. Some questioned if the long waitlist is due to the lower parking rates compared to the private sector.
- The Wells Fargo lot may be a potential public private partnership.
- Civic Area is an opportunity to address parking – surface parking needs to be removed and replaced with structured parking in key locations.
- Concern was expressed regarding the decrease of parking through the planning process at the redevelopment at the northeast corner of 13th and Walnut.

ON AND OFF STREET PARING

- Consider the impacts of the 72 hour parking regulation.
- Ensure that taxis and curbside parking/loading zones for new types of carshare services are considered part of the multimodal system.

TRANSPORTATION DEMAND MANAGEMENT

- Avoid the use of the term "alternative" modes. Use multimodal or list all of the modes.
- Providing for more short-term bike parking downtown is important to ensure a good user experience, particularly in construction areas.
- Free parking is a top priority for many employers particularly in east Boulder where transit may not be a viable option. Need to consider context and available travel options for different areas of the community.

- Paying for parking has social and economic considerations. Other modes may not be available to everyone for a wide variety of reasons. There may also be spillover and unintended consequences that need to be understood.
- Look at requiring landlords to provide bike parking as part of rental licensing.
- Concern about downtown projects reducing parking without council input; consideration is needed for the part of the mode share that drives.

CODE REQUIREMENT / ENFORCEMENT / PARKING PRICING / TECHNOLOGY AND INNOVATION

- Parking rates in (CAGID) are low compared to the private market. Staff updates rates once a year to create comparable prices. An increase will be proposed in the 2015 budget.
- Concern was expressed about limiting parking and encouraging transit in parts of the city (e.g. east Arapahoe) when existing transit service is limited. Currently, there is demand for additional transit, but this is an example of how AMPS needs to be tailored specifically to different parts of the city. What works in the downtown may not in other parts of the city. Also need to consider how transit access and parking management opportunities will change over time as more options become available in other areas of the community.
- Parking tickets are an often heard complaint for Council members. Staff responded that fines have not increased in several decades and that staff communicates directly with complainants and most often resolves their issues. One question was if some of the parking fine revenue could be used in the parking districts for more multi modal programs.

NEXT STEPS

City Council supported staff continuing work in all areas of AMPS with community engagement and discussions with city boards throughout the summer/fall. Staff will also be returning to City Council for a Study Session on October 28. Staff will continue to collaborate and integrate work with AMPS and other city-wide planning initiatives.

Related to AMPS, the update to Boulder's Transportation Master Plan (TMP) was accepted by City Council on August 5. The TMP and AMPS are examples of the city's dynamic, integrated planning approach. The TMP provides the broad multimodal transportation policy foundation for the Boulder community and supports the AMPS project's guiding principles and goals.

AMPS provides city-wide opportunities to develop enhanced parking management and TDM strategies that support implementation of the recently accepted 2014 TMP and other integrated planning initiatives within the context of the city's sustainability framework.
For more information, please visit: www.bouldercolorado.gov/amps

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Consideration of a motion to accept the study session summary from July 29, 2014 on the Zero Waste Strategic Plan

PRESENTER/S
Jane Brautigam, City Manager
David Driskell, Executive Director, Community Planning and Sustainability
Susan Richstone, Deputy Director, Community Planning and Sustainability
Kara Mertz, Environmental Action Project Manager
Jamie Harkins, Business Sustainability Specialist

EXECUTIVE SUMMARY

This agenda item provides a summary of the July 29 study session on the Zero Waste Strategic Plan. The purpose of this study session was to review the community's zero waste progress to date and to seek council feedback on the preliminary goal areas and strategies that will form the foundation of the Zero Waste Strategic Plan (ZWSP).

Staff from the Community Planning and Sustainability Department-Local Environmental Action Division presented information about the history and current status of waste diversion in Boulder, summarized the recommendations from the city's Zero Waste Program Evaluation Study, and presented several strategy options. Council provided feedback on priorities for the strategic plan and its accompanying action plan.

Overall council:

- supported the graphical format approach to the ZWSP;
- supported a short-term focus on regulatory strategies to address the quantity of reusable, edible, compostable and recyclable materials in the business and multi-family waste stream;
- supported zero waste special event requirements; and

- asked for an assessment of the staff time required to promote more widespread use of recyclable and compostable take-out packaging for restaurants.

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 July 29, 2014 study session summary on the Zero Waste Strategic Plan

FOLLOW-UP TO COUNCIL QUESTIONS

Council had several questions regarding the relationship between the city and its community zero waste partners including Eco-Cycle, Center for Resource Conservation and Western Disposal, which will be addressed when staff returns to council with the draft Zero Waste Strategic Plan, as it will include a description of the roles for the city and its community zero waste partners.

A question came up regarding the greenhouse gas reduction numbers associated with the Food Business Compost Requirement in table 4. The greenhouse gas emissions reductions were calculated using the "Recycling and Composting Emissions Protocol for Estimating Greenhouse Gas Emissions and Emissions Reductions Associated with Community Level Recycling and Composting (public comment draft, April 2012), ICLEI-Local Governments for Sustainability USA." This emissions protocol estimates the GHG emissions reduced through food waste diversion to be 1.47 metric tons CO_2-equivalent ($MTCO_2e$) vs. the ICLEI protocol estimate for mixed recyclables of 1.75 $MTCO_2e$. Therefore, for the range of diversion potential from mixed commercial recycling vs. commercial compost results in the following calculated GHG reductions:

ICLEI's Material Categories	Landfill Emissions (+) or Reductions (-)	Diversion Level	Tons	MTCO2e/ short T
Mixed recyclables from Commercial Recycling Requirement	-1.75	Low	5,542	-25,217
		High	11,884	-54,072
Food Waste from Commercial Compost Requirement	-1.47	Low	8,575	-12,605
		High	17,094	-25,128

NEXT STEPS

Staff will further evaluate and refine the prioritized strategies, gather additional community and stakeholders input, and return to request council's acceptance of the draft ZWSP and accompanying action plan in the first quarter of 2015. This will include options for ordinances to address recycling in businesses and composting for restaurants and supermarkets; as well as recommendations for additional single-family and voluntary program enhancements that can be accomplished with existing staff resources.

ATTACHMENTS

- **Attachment A** – July 29, 2014 Study Session Summary on the Zero Waste Strategic Plan

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ATTACHMENT A
July 29, 2014 Study Session Summary on the Zero Waste Strategic Plan

PRESENT
City Council: Mayor Matt Appelbaum, Mayor Pro Tem George Karakehian, Council members Macon Cowles, Lisa Morzel, Time Plass, Andrew Shoemaker, and Mary Young.
Council Member Sam Weaver was absent.
Council Member Suzanne Jones recused herself.

Staff Members: Environmental Action Project Manager Kara Mertz and Business Sustainability Specialist Jamie Harkins

PURPOSE

The purpose of this study session was to review the community's zero waste progress toward its goal of 85 percent waste diversion and to seek council feedback on the format of the Zero Waste Strategic Plan (ZWSP), its preliminary goal areas, and potential strategies.

OVERVIEW OF THE PRESENTATION AND DISCUSSION
Jamie Harkins gave a presentation on the history of waste diversion in Boulder and the community's progress to date, highlighting the fact that the commercial and industrial sectors' portion of the community's waste stream has grown considerably in the past ten years. This has had the effect of overshadowing much of the progress made by some businesses that have increased their recycling services during that time. The proposed main components of the strategic plan include:

- New goals in the areas of diversion, climate, source reduction, community engagement, toxicity reduction and innovation
- Criteria for determining if a new initiative fits city priorities
- A definition of the city and its partners' roles with respect to furthering zero waste
- Metrics to track community progress toward zero waste
- A Trash Tax investment strategy

In addition, the plan is proposed to be created in a graphical format and include a short-term action plan that outlines new strategies to be pursued and additional facility investments to be made. Council feedback was requested on the following three questions:

1. Does council have any specific feedback on the format or process being proposed for the ZWSP?

2. Does council have feedback on the ZWSP preliminary goal areas?

3. Are there any specific strategies that should be prioritized for the ZWSP's action plan - or any strategies that should not be pursued as part of the ZWSP?

1. Format of the ZWSP

Council members generally supported the concept of a graphical, web-based strategic plan format and made some suggestions to maximize its usability and accessibility. Several council members expressed a desire to also create a printed version of the ZWSP for community members who do not regularly access the internet, and for use of Channel 8 resources to reach more of the community. Also, several council members expressed an interest in ensuring staff reach out to the entire community, distributing printed materials in places not typically associated with city programs and services including:

- new businesses that are moving to Boulder;
- non-English speaking residents and employees; and
- segments of the population that are not generally supportive and/or tuned in to recycling issues.

2. Proposed goal areas for the ZWSP

Council members generally supported the following:

- The most important goal area is waste diversion, especially as it tracks very closely with greenhouse gas reduction.
- Toxicity reduction should stand on its own and not be set against the other goals as it is difficult to track degrees of toxicity ("you either achieve it or you don't") and there may be cases where it makes sense to spend public funds to reduce toxicity.
- Re-use activities should be prioritized over recycling or composting.
- A realistic source reduction goal that would measure the overall quantity of materials being discarded (waste + recycling + composting streams) per capital should be included.

One or several council members expressed:

- A request that the ZWSP include a prioritization of the goal areas.
- Support for cost-effectiveness as a measure of prioritization.
- Appreciation of the community engagement goal as it recognizes the importance of special events recycling, and programs that educate school children who spread zero waste information to their families.

3. Strategies

Council members generally supported the following:

- Requirements for commercial recycling and composting and composting at multi-family complexes should be the cornerstones for the upcoming plan. Council acknowledged the significant issue of adequate space for recycling containers, and urged staff to work with the businesses and property owners, especially in the congested business districts, to help them comply with any upcoming requirements. Several council members also encouraged a visible recognition program for businesses that are doing zero waste well.
- Efforts to ensure edible food is re-distributed prior to directing it to composting should be prioritized; staff indicated the city is working with Boulder Food Rescue and the Food Rescue Alliance to quantify the impact of this diversion.

Council members suggested educational materials should help with the cultural shift of using and composting - instead of wasting - food.

- Single-family residential strategies (every-other-week trash collection and mandatory trash collection for all owner-occupied properties) are a lower priority than the commercial strategies. However between them, there was more support for exploring the potential diversion from every-other-week trash collection (with weekly collection of composting) than support for a mandatory trash service ordinance. Council generally agreed that every-other-week trash collection should be part of the follow-up analysis even as the priority is with the business sector waste.
- Recycling and composting need to be made more convenient and accessible in multi-family complexes, and that enforcement should be employed for the existing ordinance. At the same time, the city must work closely with properties that don't have space for additional containers.
- Despite the focus on business recycling and composting requirements, several council members expressed an interest in encouraging voluntary use of compostable and recyclable take-out containers from food service establishments.

4. Facilities

Council members generally supported the following:

- Cost-effectiveness should be the primary consideration in facility investment, and the city's role in relation to its partners should inform from where the investment comes.
- The entire property at 6400 Arapahoe should be kept open for zero waste activities and other entities besides ReSource and Eco-Cycle should be allowed to locate there; especially those that can highlight innovation in the zero waste arena.
- Council should have a formal role on the boards of directors of the nonprofits to whom the city leases the property at 6400 Arapahoe, especially if the city is considering any facility expansion.
- The city should not invest in a construction and demolition (C&D) facility. Several council members reflected on the city's purchase of 6400 Arapahoe and recalled the agreement with Boulder County at the time that in exchange for the city taking on Eco-Cycle, CHaRM and ReSource, Boulder County would take a leadership role in siting and financing a C&D waste sorting facility.

One or several council members expressed interest in:

- Looking again at bidding residential trash collection services.
- Better information about the improvements needed at the recycling center.
- A thorough analysis to determine whether we can truly get everything we need from a contractually-controlled and privately owned compost site.
- Exploring innovative waste-to-energy facilities, while acknowledging that they should only be used for the remainder of the waste stream that is not otherwise reusable, recyclable or compostable.

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Consideration of a motion to approve Resolution No. 1138 declaring the city of Boulder's official intent to reimburse itself with the proceeds of a future borrowing for certain capital expenditures and open space land purchases to be undertaken by the City; identifying said capital expenditures and the funds to be used for such payment; and providing certain other matters in connection therewith

PRESENTER/S
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Officer
Mike Patton, Director of Open Space Mountain Parks
Cheryl Pattelli, Director of Finance

EXECUTIVE SUMMARY
The passage of this resolution will allow the Open Space Mountain Parks (OSMP) Department to use some of their fund balance to purchase property if they have the opportunity to do so prior to receiving bond proceeds anticipated in October. By allowing an advance from their fund balance, OSMP can continue to actively pursue open space acquisitions from currently available appropriated funds up to $10,000,000 until the closing of the upcoming Open Space bonds occurs in October. When the Series 2014 bonds are issued, the current available funds can be reimbursed from the bond proceeds. This reimbursement is available for funds expended up to six months before the funds are received in October. This is being done to provide maximum flexibility for the Open Space fund so (1) they can continue to address both flood related issues, (2) continue the acquisition of open space lands, and (3) to help meet the three year 85 percent Internal Revenue Service requirements for the expenditure of municipal bond proceeds.

The passage of this resolution is a formality required by federal tax law to allow the City to reimburse itself from bond proceeds for land purchased prior to the bond proceeds arriving. This resolution does not authorize the bond sale. Therefore the impact analysis of using board and

commission feedback and public feedback will be addressed when the Notice of Sale Resolution is brought to Council at a future date.

STAFF RECOMMENDATION

Suggested Motion Language:
City Council is requested to review and move to approve the attached resolution for $10,000,000 of reimbursement from bond proceeds for Open Space Mountain Parks that could be expended between now and the arrival of the bond proceeds.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

The passage of a reimbursement resolution has no economic, environmental or social impact on residents of the City of Boulder. These impacts do occur with the Notice of Sale Resolution that is also being brought to Council at the August19 meeting.

OTHER IMPACTS

- There are no fiscal or other impacts that occur due to the passage of a reimbursement resolution.

BOARD AND COMMISSION FEEDBACK

The use of a reimbursement resolution is an administrative method allowable under the rules and regulations governing the issuance of municipal debt. The Open Space Board of Trustees information can be found under the notice of sale that is also being considered by the City Council on August 19.

PUBLIC FEEDBACK

The public feedback received to date has been about the method of sales to be used, negotiated versus competitive, not the actual sale of the bonds. The issuance of the bonds and using of a general obligation backing was approved by the voters in November of 2009.

BACKGROUND AND ANALYSIS

On some occasions the receipt of bond proceeds cannot be timed to coincide with when money will be needed to purchase property. This can occur because it is not known when an owner may decide to sell property or the selling date may occur sooner than expected. While the current funds on hand are adequate for some purchases they may not be enough if several purchases or a very large purchase would need to occur prior to the bond proceeds being received. The staff in the departments of Open Space Mountain Parks (OSMP) and Finance have coordinated the flow of funds needed for purchasing open space properties. It is possible the funds that will be needed for closings could be greater than what is currently appropriated. If this occurs, OSMP would need to use some of their fund balance to purchase the property. By passing a reimbursement resolution the fund balance could be reimbursed from the bond proceeds when they are finally received. If the fund balance money is not needed the reimbursement resolution expires when the bond proceeds are received and no reimbursement occurs.

The resolution is required by federal law to comply with tax exempt bonding requirements. The following items must be included in the resolution:

- An announcement and acknowledgement of the municipality's expectation to issue bonds.
- An announcement and acknowledgement that the municipality will reimburse itself from bond proceeds for capital expenditures which includes land purchase costs pre-funded through other means, in this case by the fund balance in the OSMP fund.

If this action is not approved, the OSMP fund cannot reimburse itself from bond proceeds if there is an unforeseen delay in the issuance of the bonds. The resolution is written to allow flexibility in the timeline in case some unexpected delay occurs.

ATTACHMENT
A: Proposed reimbursement resolution

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RESOLUTION 1138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE BORROWING FOR CERTAIN CAPITAL EXPENDITURES TO BE UNDERTAKEN BY THE CITY; IDENTIFYING SAID CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Boulder (the "City"), in the State of Colorado (the "State"), is a home rule city duly organized and existing pursuant to the constitution and laws of the State and the City charter; and

WHEREAS, the City Council of the City (the "Governing Body") is the governing body of the City; and

WHEREAS, the Governing Body has determined that it is in the best interest of the City to make certain capital expenditures for the purpose of acquiring open space real property or interests therein (the "Project"); and

WHEREAS, the Governing Body currently intends and reasonably expects to participate in a tax-exempt borrowing of up to $10,000,000 to finance the Project and to reimburse the City for capital expenditures for the Project incurred or to be incurred subsequent to a period commencing 60 days prior to the date hereof, and ending prior to the later of 18 months of the date of such capital expenditures or the placing in service of the Project (but in no event more than 3 years after the date of the original expenditure of such moneys); and

WHEREAS, the Governing Body hereby desires to declare its official intent, pursuant to 26 C.F.R. § 1.150-2, to reimburse the City for such capital expenditures with the proceeds of the City's future tax-exempt borrowing.

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

Section 1. ***Declaration of Official Intent***. The City shall, presently intends, and reasonably expects to finance the Project, in whole or in part, with proceeds of tax exempt bonds to be issued by the City at a later date.

Section 2. ***Dates of Capital Expenditures***. All of the capital expenditures covered by this Resolution will be made on and after the date which is 60 days prior to the effective date of this Resolution.

Section 3. ***Issuance of Bonds, Notes or Other Obligations***. The City presently intends and reasonably expects to participate in a tax-exempt borrowing of up to $10,000,000 within 18 months of the date of the expenditure of moneys on the Project or the date or dates upon which the Project is placed in service, whichever is later (but in no event more than 3 years after

the date of the original expenditure of such moneys), and to allocate from said borrowing an amount to reimburse the City for its expenditures in connection with the Project.

Section 4. ***Confirmation of Prior Acts***. All prior acts and doings of the officials, agents and employees of the City which are in conformity with the purpose and intent of this Resolution, and in furtherance of the Project, shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 5. ***Effective Date of Resolution***. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at a regular meeting this 19th day of August, 2014.

CITY OF BOULDER, COLORADO

_____
Mayor

[SEAL]

Attest:

_____
Clerk

C I T Y O F B O U L D E R
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: E. Consideration of a motion to approve Resolution No. 1139 concerning the proposed City of Boulder Open Space Acquisition Bonds, Series 2014 in the aggregate principal amount of not to exceed $10,000,000, authorizing the notice of bond sale with respect to said 2014 bonds; prescribing certain details concerning said proposed sale and said 2014 bonds; approving the form of a preliminary official statement; and providing the effective date of this resolution

PRESENTERS:
Jane S. Brautigam, City Manager
Mike Patton, Director of Open Space and Mountain Parks
Bob Eichem, Chief Financial Officer
Cheryl Pattelli, Director of Finance

EXECUTIVE SUMMARY:

City Council is asked to consider approval of a resolution (**Attachment A**) that authorizes the City Manager to call for a public sale of City of Boulder, Open Space Acquisition Bonds, Series 2014, in the aggregate principal amount not to exceed $10,000,000 and to approve a Preliminary Official Statement (POS) (**Attachment B**).

The bond proceeds will be used to finance open space acquisition by the City, and to pay necessary issuance costs.

STAFF RECOMMENDATION: Staff recommends adoption of the attached resolution.

Suggested Motion Language:
Staff requests council to consider this matter and make the following motion:

Motion to approve Resolution No. 1139 (**Attachment A**) concerning the proposed City of Boulder Open Space Acquisition Bonds, Series 2014, in a principal amount of not to exceed $10,000,000, authorizing the notice of bond sale with respect to said 2014 bonds; prescribing certain details concerning said proposed sale and said 2014 bonds; approving the form of a preliminary official statement (**Attachment B**); and providing the effective date of this resolution.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

- Economic: By management of 46,632 acres of land, the Open Space and Mountain Parks Department contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors to the community who make significant contributions to city taxes. The city's open space values also help businesses recruit and retain quality employees.

- Environmental: Although there are no environmental issues as a result of the proposed bond offering, the preservation of open space lands contributes to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned land.

- Social: The City's open space land is acquired, maintained, preserved, retained and used to preserve or restore natural areas characterized by or including terrain, geologic formations, flora or fauna that are unusual, spectacular, historically important, scientifically valuable or unique, or that represent outstanding or rare examples of native species; to preserve water resources in their natural or traditional state, scenic area or vistas, wildlife habitats or fragile ecosystems; to preserve land for passive recreational use, such as hiking, photography or nature studies, and, if specially designated, bicycling, horseback riding or fishing; to preserve agricultural uses and land suitable for agricultural production; to utilize land for shaping the development of the City, limiting urban sprawl and disciplining growth; to utilize non-urban land for spatial definition of urban areas; to utilize land to prevent encroachment on floodplains; and to preserve land for its aesthetic or passive recreational value and its contribution to the quality of life of the community. Because Open Space and Mountain Parks lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS:

- Staff time: Administration of the revised debt service on this bond issue is part of normal staff time that is included in the appropriate department budgets.

Additional Bond Information

Ratings - The city has applied to Moody's and Standard & Poor's for ratings on these bonds. They are two of the major rating services in the United States. These ratings from the two companies will be available the night of the council meeting. The current ratings for the 2009 Open Space Acquisition Refunding bonds are Aa1 from Moody's and AAA from Standard and Poor's. Updated ratings for the Series 2014 bonds will be provided once available. Credit ratings are made after analyzing the credit worthiness of the issuer and the quality of the bond being issued. The ratings are then used by potential buyers of the bonds as one of the determinates in whether they will purchase the bonds or not. The highest investment grade rating given is AAA and the lowest is BBB.

Lowest Bid Evaluation – There are two methods of selling municipal bonds, negotiated and competitive. The charter of the City of Boulder allows for both types of sales. The method of sale is to be determined for each issue. . Based on previous council action the Open Space bonds will be sold by competitive sale. . In a competitive bid, bonds are advertised for sale. The advertisement includes both the terms of the sale and the terms of the bond issue. Any underwriter or investor may bid on the bonds at the designated date and time. The issuer (the city) sells its bonds to the bidder providing the lowest interest rate and meeting the guidelines in the notice of sale.

Because it incorporates the time value of money, the True Interest Cost (TIC) method of evaluating the cost of an issue has become the norm in the industry to determine winning bids for competitive underwritings. Technically it is defined as that semiannual discount rate which equates the principal and interest payments on the bonds to the purchase price paid by the underwriters to the issuer. In a competitive sale all of the bonds are purchased by one bidder and the bids are submitted electronically.

The public sale of the bonds is proposed for the morning of September 2. At the council meeting that night, the bond sale ordinance will be presented for adoption. Council will receive a list of all underwriting companies that bid and the TIC rates they submitted. The lowest rate will have been confirmed by the city's financial advisor. Staff will recommend that council award the bid to the company that submitted the lowest bid and meets all requirements.

Next Steps:

- Sept 2: 10 a.m. Public Sale of Bonds – bids received from underwriters for the $10,000,000.
- Sep. 2: City Council Meeting – Adoption of Emergency Bond Sale Ordinance. Sale of the bonds will be awarded to the lowest bidder.
- Sep. 2: Closing on the Bond Sale –Mayor will have signed documents and the funds from the sale will be received.

ATTACHMENTS:

A. Resolution
B. Draft Preliminary Official Statement (POS)

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RESOLUTION NO. 1139

A RESOLUTION CONCERNING THE PROPOSED CITY OF BOULDER, COLORADO OPEN SPACE ACQUISITION BONDS, SERIES 2014, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $10,000,000 AUTHORIZING THE NOTICE OF BOND SALE WITH RESPECT TO THE SERIES 2014 BONDS; PRESCRIBING CERTAIN DETAILS CONCERNING THE PROPOSED SALE OF THE SERIES 2014 BONDS; APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, the City of Boulder, in the County of Boulder and State of Colorado (the "City"), is a municipal corporation duly organized and existing as a home rule city pursuant to Article XX of the Constitution of the State of Colorado (the "Constitution") and the home rule charter of the City (the "Charter"); and

WHEREAS, at a general municipal coordinated election held November 3, 2009, the electors of the City approved a ballot question (the "Ballot Question") authorizing the issuance of up to $33,450,000 of bonds for the purpose of continuing the acquisition of open space real property or interests therein, such bonds to be payable from revenue derived from existing sales and use taxes, without any increase in rate, earmarked and committed for such purposes and additionally secured by a pledge of the full faith and credit of the City; and

WHEREAS, the City Council of the City (the "Council") deems it advisable and necessary to issue bonds of the City in an aggregate principal amount not to exceed $10,000,000, designated the City of Boulder, Colorado Open Space Acquisition Bonds, Series 2014 (the "Series 2014 Bonds"), to (a) acquire open space real property or interests therein as authorized by the Ballot Question; and (b) pay costs of issuance of the Series 2014 Bonds.

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

Section 1. The Series 2014 Bonds shall be, and the same are hereby ordered to be, publicly sold; and the Council shall cause bids to be received and to be opened publicly for the purchase of the Series 2014 Bonds on September 2, 2014 or on such other date as shall be determined by the City Manager of the City (the "City Manager"). Upon making such a public sale date determination, the City Manager shall notify the Chief Financial Officer of the City (the "Chief Financial Officer") as to the date, hour and place that bids shall be received and opened. The City shall indicate in the notice hereinafter described the date, the hour and the place that bids shall be received and opened.

Section 2. The Mayor of the City (the "Mayor") and the Chief Financial Officer are hereby authorized and directed to provide for the publication of the Notice of Bond Sale in *The Daily Camera* at such times as they deem adequate to give reasonable notice of the proposed sale, but no less than once after the date hereof and at least five days prior to the sale date hereinabove designated. The Notice of Bond Sale shall be in substantially the following form, with such changes therein, including but not limited to changes in dates, principal amounts and

maturities and completions thereto, as the Chief Financial Officer shall direct and shall deem to be in the best interest and to the best advantage of the City, the execution of such notice by the Mayor and the Chief Financial Officer to indicate conclusively the approval of any and all such changes:

(Form of Notice of Bond Sale)

NOTICE OF BOND SALE

$10,000,000*
CITY OF BOULDER, COLORADO
OPEN SPACE ACQUISITION BONDS
SERIES 2014

PUBLIC NOTICE IS HEREBY GIVEN that electronic bids will be received for the purchase of the City of Boulder, Colorado Open Space Acquisition Bonds, Series 2014 (the "Series 2014 Bonds"), more particularly described below. As more fully described in the Preliminary Official Statement, dated August 26, 2014 (the "Preliminary Official Statement"), the City of Boulder, Colorado (the "City"), is causing the Series 2014 Bonds to be offered and issued pursuant to the Ordinance of the City to be adopted on September 2, 2014 (the "Ordinance"). Bids for the purchase of the Series 2014 Bonds must be submitted through the BIDCOMP/PARITY electronic bidding system ("PARITY"). The date and time for submitting bids will be as follows:

Bid Date: **Tuesday, September 2, 2014**

Bid Time: **Between 11:30 a.m. and 12:00 noon Eastern Time (Between 9:30 a.m. and 10:00 a.m. Mountain Time)**

Submit Bid to: **PARITY electronic bidding system as set forth in "TERMS OF SALE—Submission of Bids"**

Delivery Date: **October 9, 2014**

Information relating to this auction may be obtained from the City's Financial Advisor, Piper Jaffray & Co. (the "Financial Advisor), at 720-556-0167 or 303-405-0863 (P. Jonathan Heroux or Jonathan Ruth) or from PARITY at 212-849-5021.

To bid, each bidder must have both (1) a subscription to PARITY and (2) requested and received admission to the bidding of the Series 2014 Bonds, as described under "TERMS OF SALE—Submission of Bids" below. The use of PARITY shall be at the bidder's risk and expense, and none of the City, the Financial Advisor, Kutak Rock LLP ("Bond Counsel"), Butler

* Preliminary; subject to adjustment as set forth herein.

Snow LLP ("Disclosure Counsel") or U.S. Bank National Association (the "Paying Agent") shall have any liability with respect thereto.

None of the City, the Paying Agent, the Financial Advisor, Bond Counsel or Disclosure Counsel shall be responsible for, and each bidder expressly assumes the risk of, any incomplete, inaccurate, or untimely bid submitted by Internet transmission by such bidder, including, without limitation, by reason of garbled transmissions, mechanical failure, engaged telephone or telecommunications lines, or any other cause arising from delivery by Internet transmission. Additionally, the PARITY time stamp will govern the receipt of all electronic bids. The official bid clock does not automatically refresh. Bidders must refresh the auction page periodically to monitor the progression of the bid clock and to ensure that their bid will be submitted prior to the termination of the auction. All bids will be deemed to incorporate the provisions of this Notice of Bond Sale.

This Notice of Bond Sale, and the information set forth herein, are not to be treated as a complete disclosure of all relevant information with respect to the Series 2014 Bonds. The information set forth herein is subject, in all respects, to a more complete description of the Series 2014 Bonds and the security therefor set forth in the Preliminary Official Statement.

SERIES 2014 BOND DETAILS

Terms. The "City of Boulder, Colorado Open Space Acquisition Bonds, Series 2014" will be issued in the aggregate principal amount set forth in the caption of this Notice of Bond Sale, and will be dated the date of delivery. The proceeds of the Series 2014 Bonds are being used to (a) acquire open space real property or interests therein as authorized by the ballot question approved by the City's electorate on November 3, 2009 (the "Ballot Question"); and (b) pay costs of issuance of the Series 2014 Bonds.

Interest on the Series 2014 Bonds will be payable on each February 15 and August 15 commencing on February 15, 2015. The Series 2014 Bonds will mature on August 15 in each of the designated amounts and years as follows:

Maturity Schedule *

Maturity Date (August 15)	Principal Amount
2015	$
2016	
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
2025	
2026	
2027	
2028	
2029	
2030	
2031	
2032	
2033	
2034	

* Preliminary; subject to adjustment as set forth herein.

Term Bonds; Mandatory Sinking Fund Redemption. A bidder may request that any Bonds maturing on and after August 15, 2025 be aggregated to form one or two term bonds. Any such term bond will be subject to mandatory sinking fund redemption in the same amounts and on the same dates as the Series 2014 Bonds would have matured if they were not included in a term bond. Series 2014 Bonds redeemed pursuant to mandatory sinking fund redemption will be redeemed at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the redemption date, in the manner as otherwise provided in the Ordinance. Any election to designate Series 2014 Bonds as being included in a term bond must be made at the time the prospective bidder submits a bid for the Series 2014 Bonds via PARITY. See "—Submission of Bids."

Adjustment of Principal Amounts. The aggregate principal amount and the principal amount of each maturity of the Series 2014 Bonds described above are subject to adjustment by the City, after the determination of the best bid. Changes to be made will be communicated to the successful bidder by the time of award of the Series 2014 Bonds to the successful bidder, and will not reduce or increase the aggregate principal amount of Series 2014 Bonds or the amount of the Series 2014 Bonds maturing in any year by more than 20% from the amounts shown in the

maturity schedule above. If the principal amount is modified, the underwriting discount percentage (not the dollar amount of the underwriting discount) will be held constant according to the underwriting discount percentage imputed in the reoffering yields of the successful bidder. The successful bidder may not withdraw its bid as a result of any changes made within these limits. By submitting its bid, each bidder agrees to purchase the Series 2014 Bonds in such adjusted principal amounts and to modify the purchase price for the Series 2014 Bonds to reflect such adjusted principal amounts. The bidder further agrees that the interest rates for the various maturities as designated by the bidder in its bid will apply to any adjusted principal amounts designated by the City for such maturities.

Amendment of Notice. In addition, the City reserves the right to amend this Notice of Bond Sale at any time prior to the date and time for receipt of bids by publishing the amendments via TM3.com and/or Bloomberg wire service.

Interest Rates and Limitations. Interest from the date of delivery will be payable on February 15, 2015 and semiannually thereafter on August 15 and February 15 in each year, as calculated based on a 360-day year of twelve 30-day months.

Only one interest rate shall be specified for any one maturity of the Series 2014 Bonds.

Each interest rate specified must be stated in a multiple of 1/8 or 1/20 of 1 percent per annum.

A zero interest rate is not permitted. No supplemental or "B" interest shall be allowed.

The interest rates on the Series 2014 Bonds shall be in level or ascending order from lowest to highest.

Optional Redemption. The Series 2014 Bonds maturing on and after August 15, 2025 are callable for redemption at the option of the City, in whole or in part in such order of maturities as the City shall determine and by lot within a maturity, on August 15, 2024 and on any date thereafter, at a redemption price equal to the principal amount thereof plus accrued interest to the redemption date.

Security. As more fully described in the Preliminary Official Statement prepared by the City with respect to the Series 2014 Bonds, the Series 2014 Bonds will be payable from, and will constitute a first and prior (but not exclusive) lien on all Net Pledged Revenues (hereinafter defined) and moneys on deposit in the Bond Fund established and continued by the Ordinance. Net Pledged Revenues shall mean the revenues derived from the City's levy and collection of certain sales and use taxes on the purchase price of tangible personal property or taxable services sold or purchased at retail after deduction of refunds required or permitted by law under the Boulder Revised Code, 1981. As additional security for the payment of the principal of and interest on the Series 2014 Bonds, the City will pledge the full faith and credit of the City.

Reference is made to the Preliminary Official Statement for a more complete description of the security for the Series 2014 Bonds.

Ratings. Standard & Poor's Ratings Services, a division of The McGraw Hill Companies, Inc. ("S&P"), and Moody's Investors Service Inc. ("Moody's") have assigned the Series 2014 Bonds municipal bond ratings of "AAA" and "Aa1," respectively. See "RATINGS" in the Preliminary Official Statement.

Book-Entry Only. The Series 2014 Bonds will be issued in registered form, in denominations of $5,000 or integral multiples thereof. The Series 2014 Bonds will be issued in registered, book-entry-only form, and all bidders for the Series 2014 Bonds must be participants of The Depository Trust Company, New York, New York ("DTC") or affiliated with its participants. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants and for the transfer of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Series 2014 Bonds on behalf of the individual purchasers. Individual purchases may be made in the principal amount of $5,000 or any multiple thereof through book entries made on the books and records of DTC and its participants. Unless the book-entry-only system is discontinued, Series 2014 Bond principal and interest payments will be made by the City to DTC through the City's paying agent, U.S. Bank, National Association, Denver, Colorado.

Authorization. The Series 2014 Bonds are being issued pursuant to and in full conformity with the Constitution and laws of the State of Colorado, the Charter, an election approving the Ballot Question, the Ordinance and the Supplemental Public Securities Act, Part 2 of Article 57, Title 11, C.R.S.

TERMS OF SALE

Submission of Bids. A prospective bidder must electronically submit a bid for the Series 2014 Bonds via PARITY. Bids may be submitted electronically via PARITY in accordance with this Notice of Bond Sale, until 10:00 a.m. Mountain time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice of Bond Sale, the terms of this Notice of Bond Sale shall control. For further information about PARITY, potential bidders may contact the Financial Advisor at Piper Jaffray & Co., 1200 Seventeenth Street, Suite 1250, Denver, Colorado, Telephone 720-556-0167 or 303-405-0863, or Bidcomp/PARITY at 1359 Broadway, 2nd Floor, New York, New York 10018, Telephone (212) 404-8153; Fax (212) 849-5021.

Bidding Parameters. Bidders are required to submit unconditional bids specifying the rate of interest and premium, if any, at which the bidder will purchase all and not less than all of the Series 2014 Bonds.

Information Regarding Bids. Bidders may change and submit bids as many times as they wish during the bidding; provided, however, that each bid submitted subsequent to a bidder's initial bid must result in a lower true interest cost ("TIC") with respect to a bid when compared to the immediately preceding bid of such bidder. During the bidding, no bidder will see any other bidder's bid, but each bidder will be able to see its own ranking (i.e., "Leader," "Cover," "3rd," etc.).

Bids Constitute an Irrevocable Offer. Each bid submitted through PARITY shall be deemed an irrevocable offer to purchase the Series 2014 Bonds on the terms provided in this Notice of Bond Sale and shall be binding upon the bidder.

Purchase Price. The purchase price bid shall not be less than 100% of the par amount of the Series 2014 Bonds, nor will any net discount or commission be allowed or paid on the sale of the Series 2014 Bonds.

Basis of Award. The Series 2014 Bonds will be sold to the bidder offering to purchase the Series 2014 Bonds at the lowest TIC. The actuarial yield on the Series 2014 Bonds using the TIC method will be computed at that yield which, if used to compute the present value of all payments of principal and interest on the Series 2014 Bonds as of the date of the Series 2014 Bonds, i.e., October 9, 2014 produces an amount equal to the aggregate bid price. Such calculation will be made based upon a 360-day year and a semi-annual interval for compounding.

The winning bid will be indicated on PARITY and the auction results, as posted on such website, will be subject to verification by the City and the Financial Advisor. The City and the Financial Advisor will verify the auction results immediately following the close of the bidding period and notice of confirmation by the City and the Financial Advisor of the winning bidder will be made by a posting on PARITY under the "Results" link.

If two or more bids have the same TIC, the first bid submitted, as determined by reference to the time stamp displayed on PARITY, shall be deemed to be the leading bid.

Sale Reservations. The City reserves the right (a) to reject any and all bids for any Series 2014 Bonds, (b) to reoffer any Series 2014 Bonds for public or negotiated sale and (c) to waive any irregularity or informality in any bid.

Good Faith Deposit. The winning bidder will be required to wire _____ dollars ($_____) (1.00%) to the City as bid security by 5:00 p.m. Mountain Time on September 2, 2014. The City will provide wire instructions to the winning bidder. The bid security will be retained by the City and: (a) will be applied, without allowance for interest, against the purchase price when the Series 2014 Bonds are delivered to and paid for by such winning bidder or (b) will be retained by the City as liquidated damages if the bidder defaults with respect to the bid or (c) will be returned to the bidder if the Series 2014 Bonds are not issued by the City for any reason which does not constitute a default by the bidder.

Manner and Time of Delivery. The Series 2014 Bonds will be delivered to DTC for the account of the winning bidder at the expense of the City on October 9, 2014 or such later date as the City and the winning bidder may agree. The winning bidder will not be required to accept delivery of the Series 2014 Bonds if they are not tendered for delivery by the City on October 9, 2014, or such later date as the City and the winning bidder may agree; provided that delivery of any Series 2014 Bonds is conditioned upon the receipt by the City of a certificate as to their issue price. See "—Certification of Issue Price" below. Payment of the purchase price due at delivery must be made in Federal Reserve funds for immediate and unconditional credit to the City.

The good faith deposit of the winning bidder will be credited to the purchaser at the time of delivery of the Series 2014 Bonds (without accruing interest). If the winning bidder for the Series 2014 Bonds fails or neglects to complete the purchase of the Series 2014 Bonds within five days after such Series 2014 Bonds are made ready and are tendered for delivery, the amount of its good faith deposit will be forfeited (as liquidated damages for non-compliance with the bid) to the City, except as hereinafter provided.

Official Statement. The Preliminary Official Statement, dated August 26, 2014, and the information contained therein have been deemed final by the City as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") with permitted omissions, but is subject to change without notice and to completion or amendment in the Final Official Statement in final form (the "Final Official Statement" or the "Official Statement"). The Notice of Bond Sale and the Preliminary Official Statement may be viewed and downloaded at www.meritos.com and at www.i-dealprospectus.com or a physical copy may be obtained by contacting the City's Financial Advisor. See "—Information" below.

The City, at its expense, will make available to the winning bidder, within seven (7) business days after the award of the sale of the Series 2014 Bonds, up to 100 physical copies of the Final Official Statement, and additional copies of the Final Official Statement may be provided at the winning bidder's expense. The winning bidder must cooperate in providing the information required to complete the Final Official Statement. The City will also provide the Final Official Statement to the winning bidder in electronic form.

The winning bidder shall comply with the requirements of Rule 15c2-12 and the rules of the Municipal Securities Rulemaking Board.

Continuing Disclosure Undertaking. The City has covenanted to provide, in a timely manner to the municipal securities information repository at http://emma.msrb.org, notice of the occurrence of specified, material events and to provide certain financial information on an annual basis as more fully set forth in the Preliminary Official Statement. Reference is made to the Preliminary Official Statement for a more complete description of the City's continuing disclosure undertaking obligations.

State Securities Laws. The City has taken no action to qualify the offer or sale of the Series 2014 Bonds under the securities laws of any state. Should any such qualification be necessary, the City agrees to cooperate with the winning bidder in such matters, provided that the City reserves the right not to consent to service of process outside its boundaries and expenses related to any such qualification shall be the responsibility of the winning bidder.

CUSIP Numbers. CUSIP numbers will be issued and printed on the Series 2014 Bonds. Any error or omission in printing such numbers on the Series 2014 Bonds will not constitute cause for the winning bidder to refuse delivery of any Series 2014 Bond. All expenses in relation to obtaining the CUSIP numbers and printing of the CUSIP numbers on the Series 2014 Bonds shall be paid for by the City.

Legal Opinion, Series 2014 Bonds and Transcript. The validity and enforceability of the Series 2014 Bonds will be approved by the City's Bond Counsel:

Kutak Rock LLP
1801 California Street
Suite 3100
Denver, Colorado 80202
(303) 297-2400
FAX: (303) 292-7799
www.kutakrock.com

The purchaser of the Series 2014 Bonds will receive a certified transcript of legal proceedings which will include, among other items:

(a) a certificate of the City to the effect that, as of its date, the Preliminary Official Statement was deemed final within the meaning of Rule 15c2-12, except for the omissions permitted under Rule 15c2-12;

(b) a certificate executed by officials of the City to the effect that there is no litigation pending or, to their knowledge, threatened affecting the validity of the Series 2014 Bonds as of the date of their delivery;

(c) a certificate of the City to the effect that, as of the date of the Official Statement and at all times to and including the date of delivery of the Series 2014 Bonds, the Official Statement did not contain any untrue statement of a material fact or omit any statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading; and

(d) the opinion dated the date of the delivery of the Series 2014 Bonds, of Butler Snow LLP, Denver, Colorado, disclosure counsel to the City, to the effect that although they have made no independent investigation or verification of the correctness and completeness of the information included in the Official Statement, nothing that came to their attention in rendering legal services in connection with the preparation of the Official Statement causes them to believe that the Official Statement (excepting financial, demographic, economic and statistical information, any forecasts, estimates and assumptions, and any expressions of opinion, as to which they will express no belief), as of its date, contained any untrue statement of a material fact or omitted to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

Certification of Issue Price. THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE SERIES 2014 BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

Upon award of the Bonds, the successful bidder shall advise the City and the Financial Advisor of the initial reoffering prices to the public of each maturity of the Series 2014 Bonds (the "Initial Reoffering Prices"). SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE SERIES 2014 BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE CITY A CERTIFICATE ACCEPTABLE TO BOND COUNSEL (A) CONFIRMING THE INITIAL REOFFERING PRICES; AND (B) CERTIFYING (i) THAT THE SUCCESSFUL BIDDER

HAS MADE A BONA FIDE PUBLIC OFFERING OF THE SERIES 2014 BONDS AT THE INITIAL REOFFERING PRICES; (ii) THAT A SUBSTANTIAL AMOUNT OF THE SERIES 2014 BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES; AND (iii) THE PRICES AT WHICH A SUBSTANTIAL PORTION OF EACH MATURITY OF THE SERIES 2014 BONDS WERE SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS, AND OTHER INTERMEDIARIES). Bond Counsel advises that (A) such certificate must be made on the best knowledge, information and belief of the successful bidder; (B) the sale to the public of 10% or more in par amount of the Series 2014 Bonds of each maturity at (or below) the Initial Reoffering Prices would be sufficient to certify as to the sale of a substantial amount of the Series 2014 Bonds; and (C) reliance on other facts as a basis for such certification would require evaluation by Bond Counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Series 2014 Bonds. Any questions concerning such certification should be directed to Kutak Rock LLP, Bond Counsel.

Right to Modify or Amend Notice of Bond Sale. The City reserves the right to modify or amend this Notice of Bond Sale and the Bid Form, prior to the bid date. If any modifications occur, supplemental information with respect to the Series 2014 Bonds will be communicated by posting on the PARITY website not later than 3:00 p.m., Mountain Time on the day preceding the day on which proposals may be submitted, and bidders shall bid upon the Series 2014 Bonds based upon the terms thereof set forth in this Notice of Bond Sale, as so modified by such supplemental information.

Postponement of Sale. The City reserves the right to postpone the date and time established for the receipt of bids. Any such postponement will be announced by posting on PARITY prior to commencement of the bidding. If any date and time fixed for the receipt of bids and the sale of the Series 2014 Bonds is postponed, an alternative sale date and time will be announced at least one business day prior to such alternative sale date. On any such alternative sale date and time, any bidder may submit bids electronically as described above for the purchase of the Series 2014 Bonds in conformity in all respects with the provision of this Notice of Bond Sale, except for the date and time of sale and except for any changes announced by posting on PARITY at the time the sale date and time are announced.

By order of the City Council of the City of Boulder, Colorado, dated this 19th day of August, 2014.

By */s/ Matthew Appelbaum*
Mayor, City of Boulder, Colorado

By */s/ Robert W. Eichem*
Chief Financial Officer, City of Boulder, Colorado

(End of Notice of Bond Sale)

Section 3. Bids for the Series 2014 Bonds shall be received at the time and place and in the manner provided in the Notice of Bond Sale as herein prescribed.

Section 4. The Council hereby approves the distribution and use in connection with the offering of the Series 2014 Bonds of the Preliminary Official Statement in substantially the form presented to the Council at this meeting, with such changes therein, if any, as are approved by the Chief Financial Officer or the City Attorney.

Section 5. The officers of the City and its financial advisor are hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this resolution. All action heretofore taken (not inconsistent with this resolution) is hereby ratified, approved and confirmed.

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

Section 7. This resolution shall take effect immediately upon its introduction and passage.

INTRODUCED, READ, PASSED AND ADOPTED this 19th day of August, 2014.

[SEAL]

Attest:

By _____
Mayor

By _____
City Clerk

PRELIMINARY OFFICIAL STATEMENT DATED AUGUST 26, 2014

NEW ISSUE **RATINGS:**
BOOK-ENTRY ONLY

In the opinion of Kutak Rock LLP, Bond Counsel, under existing laws, regulations, rulings and judicial decisions, and assuming the accuracy of certain representations and continuing compliance by the City of Boulder, Colorado (the "City") with certain covenants, interest on the 2014 Bonds is excludable from gross income for federal income tax purposes and is not a specific preference item for purposes of the federal alternative minimum tax. Bond Counsel is also of the opinion that, to the extent excludable from gross income for federal income tax purposes, interest on the 2014 Bonds is not subject to State of Colorado income taxation and is not included in the calculation of alternative minimum taxable income for purposes of the Colorado alternative minimum tax. See "TAX MATTERS" herein for a more detailed discussion.

$_____*
CITY OF BOULDER, COLORADO
OPEN SPACE ACQUISITION BONDS
SERIES 2014

Dated: Date of Delivery **Due: August 15, as shown herein**

The 2014 Bonds are issued as fully registered bonds in denominations of $5,000, or any integral multiple thereof. The 2014 Bonds initially will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), the securities depository for the 2014 Bonds. Purchases of the 2014 Bonds are to be made in book-entry form only. Purchasers will not receive certificates representing their beneficial ownership interest in the 2014 Bonds. See "THE 2014 BONDS--Book-Entry Only System." The 2014 Bonds bear interest at the rates set forth herein, payable on February 15, 2015, and semiannually thereafter on February 15 and August 15 of each year, to and including the maturity dates shown below (unless the 2014 Bonds are redeemed earlier), to the registered owner of the 2014 Bonds, initially Cede & Co. The principal of, and premium, if any, on the 2014 Bonds will be payable upon presentation and surrender at U.S. Bank National Association, at is operations center in St. Paul, Minnesota, or its successor, as the paying agent for the 2014 Bonds. See "THE 2014 BONDS."

The 2014 Bonds are subject to redemption prior to maturity at the option of the City as described in "THE 2014 BONDS--Redemption of the 2014 Bonds."

Proceeds of the 2014 Bonds will be used to: (i) finance open space acquisition by the City; and (ii) pay the costs of issuing the 2014 Bonds. See "SOURCES AND USES OF FUNDS."

The 2014 Bonds are issued pursuant to an ordinance adopted by the City of Boulder, Colorado (the "City"). The 2014 Bonds are payable from a pledge of certain City sales

* Subject to change.

and use tax revenues and are additionally secured by a pledge of the full faith and credit of the City.

This cover page contains certain information for quick reference only. It is *not* a summary of the issue. Investors must read the entire Official Statement to obtain information essential to making an informed investment decision.

[PIPER LOGO]

The 2014 Bonds are offered when, as, and if issued by the City and accepted by the Underwriter subject to the approval of legality of the 2014 Bonds by Kutak Rock LLP, Denver, Colorado, Bond Counsel, and the satisfaction of certain other conditions. Butler Snow LLP, Denver, Colorado, has acted as special counsel to the City in connection with the Official Statement. Certain legal matters will be passed upon for the City by the City Attorney. Piper Jaffray & Co., Denver, Colorado, is acting as financial advisor to the City. It is expected that the 2014 Bonds will be available for delivery through the facilities of DTC, on or about October 9, 2014.*

This Official Statement is dated _____, 2014

$_____*
CITY OF BOULDER, COLORADO
OPEN SPACE ACQUISITION BONDS
SERIES 2014

MATURITY SCHEDULE*
(CUSIP© 6-DIGIT ISSUER NUMBER: _____)

Maturing (August 15)	Principal Amount	Interest Rate	Price or Yield	CUSIP© Issue Number	Maturing (August 15)	Principal Amount	Interest Rate	Price or Yield	CUSIP© Issue Number
2015					2025				
2016					2026				
2017					2027				
2018					2028				
2019					2029				
2020					2030				
2021					2031				
2022					2032				
2023					2033				
2024					2034				

* Subject to change.

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USE OF INFORMATION IN THIS OFFICIAL STATEMENT

This Official Statement, which includes the cover page, the inside cover page and the appendices, does not constitute an offer to sell or the solicitation of an offer to buy any of the 2014 Bonds in any jurisdiction in which it is unlawful to make such offer, solicitation, or sale. No dealer, salesperson, or other person has been authorized to give any information or to make any representations other than those contained in this Official Statement in connection with the offering of the 2014 Bonds, and if given or made, such information or representations must not be relied upon as having been authorized by the City or the Underwriter. The City maintains an internet website; however, the information presented there is not to be relied upon in making an investment decision with respect to the 2014 Bonds.

The information set forth in this Official Statement has been obtained from the City, from the sources referenced throughout this Official Statement and from other sources believed to be reliable. No representation or warranty is made, however, as to the accuracy or completeness of such information received from parties other than the City. This Official Statement contains, in part, estimates and matters of opinion which are not intended as statements of fact, and no representation or warranty is made as to the correctness of such estimates and opinions, or that they will be realized.

In accordance with their responsibilities under federal securities laws, the Underwriter has reviewed the information in this Official Statement but does not guarantee its accuracy or completeness.

The information, estimates, and expressions of opinion contained in this Official Statement are subject to change without notice, and neither the delivery of this Official Statement nor any sale of the 2014 Bonds shall, under any circumstances, create any implication that there has been no change in the affairs of the City, or in the information, estimates, or opinions set forth herein, since the date of this Official Statement.

This Official Statement has been prepared only in connection with the original offering of the 2014 Bonds and may not be reproduced or used in whole or in part for any other purpose.

The 2014 Bonds have not been registered with the Securities and Exchange Commission due to certain exemptions contained in the Securities Act of 1933, as amended. The 2014 Bonds have not been recommended by any federal or state securities commission or regulatory authority, and the foregoing authorities have neither reviewed nor confirmed the accuracy of this document.

THE PRICES AT WHICH THE 2014 BONDS ARE OFFERED TO THE PUBLIC BY THE UNDERWRITER (AND THE YIELDS RESULTING THEREFROM) MAY VARY FROM THE INITIAL PUBLIC OFFERING PRICES OR YIELDS APPEARING ON THE INSIDE COVER PAGE HEREOF. IN ADDITION, THE UNDERWRITER MAY ALLOW CONCESSIONS OR DISCOUNTS FROM SUCH INITIAL PUBLIC OFFERING PRICES TO DEALERS AND OTHERS. IN ORDER TO FACILITATE DISTRIBUTION OF THE 2014 BONDS, THE UNDERWRITER MAY ENGAGE IN TRANSACTIONS INTENDED TO STABILIZE THE PRICE OF THE 2014 BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

CITY OF BOULDER, COLORADO

CITY COUNCIL

Matthew Appelbaum, Mayor
George Karakehian, Mayor Pro Tem
Lisa Morzel, Council member
Macon Cowles, Council member
Suzanne Jones, Council member
Tim Plass, Council member
Andrew Shoemaker, Council member
Sam Weaver, Council member
Mary Young, Council member

CITY OFFICIALS

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

BOND COUNSEL

Kutak Rock LLP
Denver, Colorado

SPECIAL COUNSEL

Butler Snow LLP
Denver, Colorado

REGISTRAR AND PAYING AGENT

U.S. Bank National Association

FINANCIAL ADVISOR

Piper Jaffray & Co.
Denver, Colorado

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OFFICIAL STATEMENT

$_____*
CITY OF BOULDER, COLORADO
OPEN SPACE ACQUISITION BONDS
SERIES 2014

INTRODUCTION

General

This Official Statement, including the cover page, the inside cover page and appendices, is furnished by the City of Boulder (the "City"), a political subdivision of the State of Colorado (the "State"), to provide information about the City and its $_____* Open Space Acquisition Bonds, Series 2014 (the "2014 Bonds"). The 2014 Bonds will be issued pursuant to an ordinance (the "Ordinance") adopted by the City Council of the City (the "City Council") prior to the issuance of the 2014 Bonds.

The offering of the 2014 Bonds is made only by way of this Official Statement, which supersedes any other information or materials used in connection with the offer or sale of the 2014 Bonds. The following introductory material is only a brief description of and is qualified by the more complete information contained throughout this Official Statement. A full review should be made of the entire Official Statement and the documents summarized or described herein. Detachment or other use of this "INTRODUCTION" without the entire Official Statement, including the cover page, the inside cover page and appendices, is unauthorized. Unless otherwise provided, capitalized terms used herein have the meanings given to them in the Ordinance.

The Issuer

The City is a municipal corporation duly organized and existing under the laws of the State of Colorado. In particular, the City is a home rule city and adopted a charter pursuant to Article XX of the Colorado Constitution by vote of the electorate on October 30, 1917 (the "City Charter"). The City is located in north central Colorado, approximately 25 miles northwest from Denver via the Denver-Boulder Turnpike (U.S. 36). The City is situated at the base of the foothills of the Front Range of the Rocky Mountains at an altitude of 5,354 feet. The City encompasses 25 square miles, and is the county seat of Boulder County (the "County"). As of 2013, the population of the City was estimated to be 103,166 persons. See "THE CITY."

Authority for Issuance

The 2014 Bonds are issued pursuant to the Constitution and laws of the State, including particularly the City Charter, the Election and the Ordinance.

<u>The Election</u>. At an election held on November 3, 2009, City voters approved the issuance of general obligation bonds for the purpose of open space acquisition in a principal amount not to exceed $33,450,000, with a total repayment cost not to exceed $80,863,800 (the

* Subject to change.

"Election"). The City may not exceed these limitations for any reason without additional voter approval. See "SECURITY FOR THE 2014 BONDS," "DEBT SERVICE REQUIREMENTS" and "LEGAL MATTERS--Certain Constitutional Limitations." The City has not previously issued any debt obligations using the authorization provided by the Election.

Purpose

Proceeds of the 2014 Bonds will be used to: (i) finance open space acquisition by the City (the "Project"); and (ii) pay the costs of issuing the 2014 Bonds. See "SOURCES AND USES OF FUNDS."

Security

The 2014 Bonds will be secured by a pledge of and a first and prior (but not an exclusive) lien on the hereinafter-defined Net Pledged Revenues, consisting of certain sales and use tax revenues of the City, and moneys on deposit in the Bond Fund established by the Ordinance, to the extent described herein. The 2014 Bonds will be additionally secured by a pledge of the full faith and credit of the City.

In general, the Net Pledged Revenues consist of those City sales and use tax revenues dedicated to use for open space purposes, after certain allowable deductions. Such revenues are derived from three separately enacted tax measures, but all such revenues are accounted for in the City's Open Space Fund. On November 7, 1967, the citizens of the City voted to impose an additional 1% sales and use tax. The sales and use tax was authorized to finance two programs: 40% of the revenue was earmarked for the acquisition and protection of open space lands and 60% of the revenue was earmarked for authorized transportation expenses. Forty percent of the sales and use tax revenues (after reasonable and necessary costs and expenses of collection, if any) attributable to such levy and collection after deduction of tax refunds required by Section 3-2-39 of the Boulder Revised Code, 1981, as amended (the "Code"), are referred to herein as the "Forty Percent Net Pledged Revenues."

On November 7, 1989, the citizens of the City voted to impose an additional 0.33% sales and use tax. This sales and use tax was authorized to provide funds for the acquisition, maintenance, preservation, retention and use of open space lands as defined in Section 170 of the Charter and the payment of any indebtedness and tax refunds related thereto. The tax was to expire on December 31, 2004, but in the November 1997 city general election, the City electors extended the expiration date to December 31, 2018. Sales and use tax revenues (after reasonable and necessary costs and expenses of collection, if any) attributable to the levy and collection of such 0.33% sales and use tax after deduction of tax refunds required by the Code are referred to herein as the "Thirty Three Percent Net Pledged Revenues."

On November 4, 2003, the citizens of the City voted to impose an additional 0.15% sales and use tax. This sales and use tax was authorized to provide additional funds for the acquisition, maintenance, preservation, retention and use of open space lands as defined in Section 170 of the Charter and the payment of any indebtedness and tax refunds related thereto. The tax commenced on January 1, 2004 and will expire on December 31, 2019. Sales and use tax revenues (after reasonable and necessary costs and expenses of collection, if any) attributable to the levy and collection of such 0.15% sales and use tax after deduction of tax refunds required by the Code are referred to herein as the "Fifteen Percent Net Pledged Revenues".

In the November 2013 City general election, the City electors extended the 0.15% sales and use tax expiration date to December 31, 2039. However, the revenue will be used for transportation purposes starting in 2020 and for general municipal services starting in 2030. The City electors also voted to extend the 0.33% sales and use tax indefinitely. However, starting in 2019, Open Space will receive 0.22% (the "Twenty-Two Percent Net Pledged Revenues") and the General Fund will receive 0.11% of the 0.33% sales tax until December 31, 2034. The ratios will change to 0.10% for Open Space (the "Ten Percent Net Pledged Revenues") and 0.23% for General Fund starting in 2035. These changes in sales and use tax changes are referred to herein as the "Future Changes in Net Pledged Revenues." *Therefore, beginning in 2019 and 2020, the percentage of City sales and use taxes constituting Net Pledged Revenues will materially decrease as described above*. The Forty Percent Net Pledged Revenues, the Thirty-Three Percent Net Pledged Revenues, the Twenty-Two Percent Net Pledged Revenues, the Fifteen Percent Net Pledged Revenues and the Ten Percent Net Pledged Revenues are collectively referred to herein as the "Net Pledged Revenues."

The 2014 Bonds; Prior Redemption

The 2014 Bonds are issuable as fully registered bonds in the denominations of $5,000 and integral multiples thereof. The 2014 Bonds are dated as of the date of delivery and bear interest from their date or such later date to which interest has been paid, payable semiannually on February 15 and August 15 of each year, commencing on February 15, 2015. The 2014 Bonds bear interest at the rates and mature in the amounts and on the dates set forth on the inside cover page of this Official Statement.

The 2014 Bonds will be issued as fully registered bonds without coupons and will initially be registered in the name of "Cede & Co.," as nominee of The Depository Trust Company ("DTC"), as securities depository for the 2014 Bonds. Purchases of the 2014 Bonds are to be made in book entry only form in principal amounts of $5,000 or any integral multiple thereof. The principal of and premium, if any, on the 2014 Bonds are payable at U.S. Bank National Association, at its operations center in St. Paul, Minnesota (together with any successors or assignees, the "Paying Agent"). Payment of interest on any 2014 Bond will be payable by wire transfer on the interest payment date to Cede & Co. Payments to the owners of the 2014 Bonds are to be made as described in "APPENDIX B – Book Entry Only System."

The City has made arrangements for custodial deposit of the 2014 Bonds with DTC in New York, New York. The Ordinance contains such provisions and provides for the issuance of the 2014 Bonds in such a manner as to make them eligible for such custodial deposit. After the initial deposit of the 2014 Bonds with DTC, they may not be removed from such custodial deposit, transferred or exchanged except as provided in the Ordinance.

The 2014 Bonds are subject to redemption prior to maturity at the option of the City as described in "THE 2014 BONDS--Redemption of the 2014 Bonds."

Professionals

Kutak Rock LLP, Denver, Colorado, has acted as Bond Counsel in connection with the execution and delivery of the 2014 Bonds. Butler Snow, LLP, Denver, Colorado, has acted as special counsel to the City in connection with this Official Statement. As is customary, the fees of Kutak Rock LLP and Butler Snow LLP will be paid only at closing from the proceeds of the 2014 Bonds. Certain legal matters will be passed on for the City by the City Attorney.

U.S. Bank National Association, will act as the paying agent and registrar for the 2014 Bonds (the "Paying Agent" and "Registrar"). The basic financial statements of the City included in this Official Statement as Appendix A have been audited by BKD LLP, Certified Public Accountants and Advisors, Denver, Colorado. See "INDEPENDENT AUDITORS." Piper Jaffray & Co., Denver, Colorado, is acting as the Financial Advisor to the City (the "Financial Advisor"). The fees of the Financial Advisor also will be paid only from 2014 Bond proceeds at closing.

Tax Status

In the opinion of Kutak Rock LLP, Bond Counsel, under existing laws, regulations, rulings and judicial decisions, and assuming the accuracy of certain representations and continuing compliance by the City with certain covenants, interest on the 2014 Bonds is excludable from gross income for federal income tax purposes and is not a specific preference item for purposes of the federal alternative minimum tax. Bond Counsel is also of the opinion that interest on the 2014 Bonds is not subject to State of Colorado income taxation and is not included in the calculation of alternative minimum taxable income for purposes of the Colorado alternative minimum tax. See "TAX MATTERS" herein for a more detailed discussion.

Continuing Disclosure Undertaking

The City will enter into a continuing disclosure undertaking (the "Disclosure Undertaking") at the time of the closing for the 2014 Bonds. The Disclosure Undertaking will be executed for the benefit of the beneficial owners of the 2014 Bonds and the City will covenant in the Ordinance to comply with the terms of the Disclosure Undertaking. The Disclosure Undertaking will provide that so long as the 2014 Bonds remains outstanding, the City will provide the following information to the Municipal Securities Rulemaking Board, through the Electronic Municipal Market Access ("EMMA") system: (i) annually, certain financial information and operating data; and (ii) notice of the occurrence of certain material events; each as specified in the Disclosure Undertaking. The form of the Disclosure Undertaking is attached hereto as Appendix C.

The City has previously entered into several similar continuing disclosure undertakings. In certain circumstances in the past five years, the City has accidentally delayed filing updated data for tables presented in previous official statements. The City has since updated the information contained in those tables on EMMA. The City additionally notes that it did not file material event notices with respect to bond insurer downgrades or global recalibrations by rating agencies as the City does not consider those changes to be material. The City has procedures in place to assist with compliance with its continuing disclosure undertakings in the future.

Additional Information

<u>This introduction is only a brief summary of the provisions of the 2014 Bonds, the Ordinance and the Project; a full review of the entire Official Statement should be made by potential investors</u>. Brief descriptions of the 2014 Bonds, the Ordinance and the City are included in this Official Statement. All references herein to the 2014 Bonds, the Ordinance and other documents are qualified in their entirety by reference to such documents. *This Official Statement speaks only as of its date and the information contained herein is subject to change*.

Additional information and copies of the documents referred to herein are available from the City and the Financial Advisor:

City of Boulder, Colorado
Attn: Finance Department
1777 Broadway
Boulder, Colorado 80302
Telephone: (303) 441-3040

Piper Jaffray & Co.
1200 17th Street, Suite 1250
Denver, Colorado 80202
Telephone: (303) 405-0848.

SOURCES AND USES OF FUNDS

Sources and Uses of Funds

The proceeds from the sale of the 2014 Bonds are expected to be applied in the following manner:

Sources and Uses of Funds

Sources of Funds:	Amount
Par amount of 2014 Bonds	
Plus: original issue premium	
Total	
Uses of Funds:	
The Project	
Costs of issuance (including Underwriter's discount)	
Total	

Source: The Financial Advisor.

THE 2014 BONDS

Description

The 2014 Bonds are issuable as fully registered bonds in the denominations of $5,000 and integral multiples thereof. The 2014 Bonds are dated as of the date of delivery and bear interest from their date or such later date to which interest has been paid, payable semiannually on February 15 and August 15 of each year, commencing on February 15, 2015. The 2014 Bonds bear interest at the rates and mature in the amounts and on the dates set forth on the inside cover page of this Official Statement.

Book-Entry Only System

The 2014 Bonds will be issued as fully registered bonds without coupons and will initially be registered in the name of "Cede & Co.," as nominee of The Depository Trust Company ("DTC"), as securities depository for the 2014 Bonds. Purchases of the 2014 Bonds are to be made in book entry only form in principal amounts of $5,000 or any integral multiple thereof. The principal of and premium, if any, on the 2014 Bonds are payable at U.S. Bank National Association, at its operations center in St. Paul, Minnesota (together with any successors or assignees, the "Paying Agent"). Payment of interest on any 2014 Bond will be payable by wire transfer on the interest payment date to Cede & Co. Payments to the owners of the 2014 Bonds are to be made as described in "APPENDIX B — Book Entry Only System."

The City has made arrangements for custodial deposit of the 2014 Bonds with DTC in New York, New York. The Ordinance contains such provisions and provides for the issuance of the 2014 Bonds in such a manner as to make them eligible for such custodial deposit. After the initial deposit of the 2014 Bonds with DTC, they may not be removed from such custodial deposit, transferred or exchanged except as provided in the Ordinance.

Discontinuation of Book Entry Only System

The Beneficial Owners of the 2014 Bonds have no right to a Securities Depository for the 2014 Bonds. DTC or any successor Securities Depository may resign as Securities Depository for the 2014 Bonds by giving notice to the City and discharging its responsibilities under applicable law. In addition, the City may remove DTC or a successor Securities Depository at any time. In such event, the City will (a) appoint a Securities Depository qualified to act as such under Section 17(a) of the Securities Exchange Act of 1934, notify the prior Securities Depository of the appointment of such successor Securities Depository and transfer one or more separate bond certificates to such successor Securities Depository or (b) notify the Securities Depository of the availability through the Securities Depository of bond certificates and transfer one or more separate bond certificates to Direct Participants having 2014 Bonds credited to their accounts at the Securities Depository. In such event, such 2014 Bonds will no longer be restricted to being registered in the name of the Securities Depository or its nominee, but may be registered in the name of the successor Securities Depository or its nominee, or in whatever name or names the Direct Participants receiving such 2014 Bonds designate, in accordance with the provisions of the Ordinance.

If no qualified Securities Depository is a registered owner of the 2014 Bonds, the Beneficial Owners will be paid by the Paying Agent by check for interest mailed to the person

registered on the Record Date as the holder of the 2014 Bonds and upon presentation at the principal office of the Paying Agent for the principal of the 2014 Bonds.

Transfer and Exchange

The following provisions do not apply as long as the 2014 Bonds are in book entry only form.

The Paying Agent will maintain on behalf of the City books for the purpose of registration and transfer of the 2014 Bonds, and such books will specify the person entitled to the 2014 Bonds and the rights evidenced thereby, and all transfers of the 2014 Bonds and the rights evidenced thereby. The 2014 Bonds may be transferred or exchanged without cost, except for any tax or governmental charge required to be paid with respect to such transfer or exchange, at U.S. Bank National Association in Denver, Colorado. The 2014 Bonds may be exchanged for a like aggregate principal amount of 2014 Bonds of other authorized denominations of the same maturity and interest rate. Upon surrender for transfer of any 2014 Bond, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or the Registered Owner's attorney duly authorized in writing, the City will execute and the Paying Agent will authenticate and deliver in the name of the transferee or transferees a new 2014 Bond or 2014 Bonds of the same maturity and interest rate for a like aggregate principal amount. The Person in whose name any 2014 Bond is registered will be deemed and regarded as the absolute owner thereof for all purposes.

Additional Bonds

The Ordinance will permit the issuance of additional bonds of the City, payable from the Net Pledged Revenues, and additionally secured by a pledge of the City's full faith and credit, on a parity with or subordinate to the 2014 Bonds. See "THE ORDINANCE--Additional Bonds." The Ordinance will also permit, after payment of amounts due on the 2014 Bonds and Parity Lien Bonds, the application of Net Pledged Revenues to fund any reserve fund deficiencies for other bonds.

Redemption of 2014 Bonds

Optional Redemption. The 2014 Bonds maturing on and after August 15, 2025 are callable for redemption at the option of the City, in whole or in part, and if in part in such order of maturities as the City determines and by lot within a maturity on August 15, 2024, and on any date thereafter, at a redemption price equal to the principal amount thereof, plus accrued interest to the redemption date.

The City must give the Paying Agent notice of its intent to redeem 2014 Bonds at least 45 days prior to the redemption date.

Notice of Redemption. Notice of any redemption of 2014 Bonds will be given by the Paying Agent in the name of the City by sending a copy of such notice by certified or registered first class, postage prepaid mail, at least 30 days prior to the redemption date, to the Registered Owner of each of the 2014 Bonds being redeemed. Such notice must specify the number or numbers of the 2014 Bonds so to be redeemed (if redemption is in part) and the redemption date. If any of the 2014 Bonds have been duly called for redemption and if, on or before the redemption date, there has been deposited with the Paying Agent in accordance with

the Ordinance funds sufficient to pay the redemption price of such 2014 Bonds at the redemption date, then said 2014 Bonds will become due and payable at such redemption date, and from and after such date interest will cease to accrue thereon. Any 2014 Bond redeemed prior to its maturity by call for prior redemption or otherwise will not be reissued and will be cancelled.

The City may provide that if at the time of mailing of notice of an optional redemption there shall not have been deposited with the Paying Agent moneys sufficient to redeem all the 2014 Bonds called for redemption, such notice may state that it is conditional and subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business five business days prior to the scheduled redemption date, and such notice will be of no effect unless such moneys are so deposited. In the event sufficient moneys are not on deposit on the required date, then the redemption will be cancelled and on such cancellation date notice of such cancellation will be mailed to the Registered Owners, in the manner provided in the form of such 2014 Bonds.

THE ORDINANCE

Set forth below are excerpts of certain provisions of the Ordinance.

Definitions of Certain Terms used in the Ordinance:

"Bond Fund" has the meaning set forth under "Flow of Funds; Transfer of Funds, Section (d)(ii)" below.

"Code" means Section 3-2-39 of the Boulder Revised Code, 1981, as amended.

"Fifteen Percent Net Pledged Revenues" means the revenues attributable to the levy and collection of 0.15% sales and use tax through December 31, 2019 which will be used to provide additional revenues for open space purposes as set forth in subsection 3-2-39(i) of the Code, which revenues will be deposited into or accounted for in the Open Space Fund and used exclusively for open space purposes, as described under "Flow of Funds; Transfer of Funds, Section (c)" below, and deducting therefrom only the amounts required or permitted to be disbursed, and which amounts have actually been disbursed pursuant to "Flow of Funds; Transfer of Funds; Reserve Fund, Section (d)(i)" below.

"Forty Percent Net Pledged Revenues" means 40% of the amount remaining after taking the total amount deposited, or required to be deposited (whichever is the greater), into the Open Space and Street Fund, pursuant to "Flow of Funds; Transfer of Funds, Section (a)" below, and deducting therefrom only the amounts required or permitted to be disbursed, and which amounts have actually been so disbursed, pursuant to "Flow of Funds; Transfer of Funds, Section (d)(i)" below.

"Net Pledged Revenues" means, collectively, the Forty Percent Net Pledged Revenues, the Thirty-Three Percent Net Pledged Revenues and the Fifteen Percent Net Pledged Revenues.

"Net Sales and Use Tax Revenues" means the Sales and Use Tax Revenues after deduction only of the reasonable and necessary costs and expenses of collecting and enforcing the Sales and Use Tax, if any.

"Open Space and Street Fund" has the meaning set forth under "Flow of Funds; Transfer of Funds, Section (a)" below.

"Open Space Fund" has the meaning set forth under "Flow of Funds; Transfer of Funds, Sections (b) and (c)" below.

"Parity Lien Bonds" means any bonds or other obligations payable from, pledging and having a lien upon the Net Pledged Revenues equal to and on a parity with the lien thereon of the 2014 Bonds authorized in the Ordinance, including the Series 2006 Bonds and the Series 2007 Bonds.

"Permitted Investments" means any investment permitted by the laws of the State and the City's investment policies.

"Sales and Use Tax" or "Sales and Use Taxes" means the sales and use tax heretofore established and being collected by the City, pursuant to Title 3, Chapter 2 of the Code, pertaining to the sale, lease, rental, purchase, use, storage, distribution or consumption of tangible personal property and taxable services as therein more fully set forth and defined.

"Tax Code" means the Internal Revenue Code of 1986, as amended and any Income Tax Regulations promulgated thereunder.

"Tax Letter of Instructions" means the Tax Letter of Instructions, dated the date of delivery of the 2014 Bonds, delivered by Kutak Rock LLP to the City, as the same may be superseded or amended as provided under "Rebate, Section (a)" below.

"Ten Percent Net Pledged Revenues" means the amount deposited, or required to be deposited (whichever is greater), into an Open Space Fund, established pursuant to subsection 3-2-39(f) of the Code, pursuant to "Flow of Funds; Transfer of Funds, Section (b)", and deducting therefrom only the amounts required or permitted to be disbursed, and which amounts have actually been disbursed, pursuant to "Flow of Funds; Transfer of Funds, Section (d)(i)."

"Thirty-Three Percent Net Pledged Revenues" means the amount deposited, or required to be deposited (whichever is greater), into an Open Space Fund, established pursuant to subsection 3-2-39(f) of the Code, pursuant to "Flow of Funds; Transfer of Funds, Section (b)", and deducting therefrom only the amounts required or permitted to be disbursed, and which amounts have actually been disbursed, pursuant to "Flow of Funds; Transfer of Funds, Section (d)(i);" provided, however, that pursuant to the 0.33% Sales and Use Tax Ballot Question, (a) beginning January 1, 2019 the Thirty Three Percent Net Pledged Revenues will convert to Twenty-Two Percent Net Pledged Revenues and (b) beginning January 1, 2035, the Twenty-Two Percent Net Pledged Revenues will convert to Ten Percent Net Pledged Revenues.

"Twenty-Two Percent Net Pledged Revenues" means the amount deposited, or required to be deposited (whichever is greater), into an Open Space Fund, established pursuant to subsection 3-2-39(f) of the Code, pursuant to subsection "Flow of Funds; Transfer of Funds, Section (b)", and deducting therefrom only the amounts required or permitted to be disbursed, and which amounts have actually been disbursed, pursuant to "Flow of Funds; Transfer of Funds, Section (d)(i)" hereof.

"0.33% Sales and Use Tax Ballot Question" means the ballot question approved by the voters of the City at an election held November 5, 2013, reducing the 0.33% sales and use tax as set forth in the Ordinance,

Covenant With Respect to Sales and Use Tax

The Council covenants and agrees that, so long as any of the 2014 Bonds remain outstanding, it will take no action to reduce the rate or rates of the Sales and Use Tax, or alter, exempt or modify the transactions, properties or items subject to such taxes, or provide tax refunds from the Sales and Use Tax giving rise to the Net Pledged Revenues, to such an extent that the Net Pledged Revenues available in any year will be less than 110% of the amount necessary to pay the principal of, premium, if any, and interest when due on the 2014 Bonds and any Parity Lien Bonds and Subordinate Lien Bonds heretofore or hereafter issued.

Flow of Funds; Transfer of Funds.

(a) There has heretofore been established and created, pursuant to Section 3-2-39 of the Code, and there is now in existence, a separate special fund designated as the "Open Space and Street Fund," into which will be set aside and deposited as received $.01 of the Net Sales and Use Tax Revenues of the City (i.e., the Net Sales and Use Tax Revenues attributable to a 1% Sales and Use Tax).

(b) There has heretofore been established and created pursuant to Section 3-2-39 of the Code, a separate special fund designated as an "Open Space Fund" into which will be set aside and deposited as received $.0033 of the Net Sales and Use Tax Revenues of the City (i.e., the Net Sales and Use Tax Revenues attributable to a 0.33% Sales and Use Tax), as amended by the 0.33% Sales and Use Tax Ballot Question to (A) commencing January 1, 2019, $.0022 of the Net Sales and Use Tax Revenues of the City (i.e. the Net Sales and Use Tax Revenues attributable to a 0.22% Sales and Use Tax) and (B) commencing January 1, 2035, $.0010 of the Net Sales and Use Tax Revenues of the City (i.e. the Net Sales and Use Tax Revenues attributable to a 0.10% Sales and Use Tax).

(c) Pursuant to Section 3-2-39 of the Code, $.0015 of the Net Sales and Use Tax Revenues of the City (i.e., the Net Sales and Use Tax Revenues attributable to a 0.15% Sales and Use Tax through December 31, 2019) will be deposited to the Open Space Fund and used exclusively for open space purposes.

(d) Except as hereinafter specifically provided to the contrary, moneys deposited in said Open Space and Street Fund and Open Space Fund are irrevocably pledged, earmarked and committed to the following uses and will be disbursed, expended and used only in the following manner and order:

(i) To pay a portion of the tax refund program as provided in Chapter 3-5 of the Code and paragraph 3-2-39(a)(1) of the Code.

(ii) After the disbursements required or permitted by Section (d)(i) above, there will be deposited to the "Open Space Acquisition Bond and Interest Fund" (the "Bond Fund") established by Ordinance No. 3864 (1972) and ratified and continued by Ordinance No. 4496 (1980), Ordinance No. 4950 (1985), Ordinance No. 5188 (1989), Ordinance No. 5277 (1990), Ordinance No. 5668 (1994), Ordinance No. 5996 (1998), Ordinance No. 6072

(1999), Ordinance No. 6081 (1999), Ordinance No. 7046 (2000), Ordinance No. 7467 (2006), Ordinance No. 7520 (2007), Ordinance No. 7666 (2009); Ordinance No. 7667 (2009) and ratified and continued (notwithstanding the fact that certain of said ordinances and the obligations of the City thereunder have been discharged), on or before the 15th day of each February and August, commencing February 15, 2015, but only from the Net Pledged Revenues (i.e., the Forty Percent Net Pledged Revenues, the Thirty Three Percent Net Pledged Revenues (or the Twenty-Two Percent Net Pledged Revenues or Ten Percent Net Pledged Revenues, as applicable) and the Fifteen Percent Net Pledged Revenues through December 31, 2019) as and to the extent hereinafter provided, an amount equal to the interest coming due on the 2014 Bonds and any other Parity Lien Bonds then outstanding on such date and an amount equal to the principal coming due on the 2014 Bonds and any other Parity Lien Bonds then outstanding on such date. The moneys credited to the Bond Fund will be used to pay the principal of and interest on the 2014 Bonds and any additional Parity Lien Bonds heretofore or hereafter issued. Any Subordinate Lien Bonds heretofore or hereafter issued will be payable from a fund or funds into which deposits will be made from the Open Space and Street Fund or the Open Space Fund after and subject to the prior deposits required or permitted by this Section, but may be made prior to the uses permitted under Section (d)(iii). The 2014 Bonds authorized in the Ordinance, together with any additional Parity Lien Bonds heretofore or hereafter issued, will, from and after the issuance and delivery thereof, constitute an irrevocable and first (but not exclusive) lien upon the Net Pledged Revenues, derived and to be derived by the City from its Sales and Use Taxes, and upon said Bond Fund, for the payment of said principal and interest.

(iii) On August 15 of each year, or such earlier date upon which there will have been deposited sufficient funds to meet all obligations described in (i) and (ii) above, any moneys remaining in said Open Space and Street Fund and said Open Space Fund may be used for any lawful and authorized purpose of said Open Space and Street Fund and said Open Space Fund, respectively, all as more fully set forth and specified in Section 3-2-39 of the Code.

(e) The revenues and expenditures of said Open Space and Street Fund and said Open Space Fund will be periodically reviewed and budgeted by the City Council in accordance with the applicable provisions of Section 3-2-39 of the Code.

Pledge of Full Faith and Credit

Pursuant to the provisions of Section 97 of the City Charter, the full faith and credit of the City are pledged as additional security for the payment of the principal of and interest on the 2014 Bonds; such pledge will be implemented, to the extent required, by a levy of ad valorem taxes on all taxable property within the City without limitation as to rate or amount.

Covenant Upon Deficiency in Bond Fund. In furtherance of said pledge of the full faith and credit of the City, it is irrevocably covenanted and agreed that in the event that any time while any of the 2014 Bonds remain outstanding the payments required to be made pursuant to "Flow of Funds; Transfer of Funds, Section (d)(ii)" above are not made in strict accordance with the terms thereof (unless other moneys sufficient to pay the principal of and interest on the 2014 Bonds when due will be on deposit in the Bond Fund), the Council will promptly transfer from the general funds of the City to the Bond Fund from moneys previously appropriated, and will promptly pass and adopt supplemental or emergency appropriation ordinances or resolutions and make such allocations and deposits of moneys from general funds of the City to the Bond Fund, as are necessary in all cases to bring the amount on deposit in the Bond Fund to the level at which it would have been had the City strictly complied with the provisions of "Flow of

Funds; Transfer of Funds, Section (d)(ii)" above. Said actions will be initiated and completed at such a time and in such a manner as to ensure strict compliance with the requirement to make deposits to the Bond Fund. Thereafter said transfers, appropriations, allocations and deposits will continue to be made in such amounts and with sufficient frequency to assure that the sums of money required to be deposited in the Bond Fund, together with other moneys on deposit in the Bond Fund pursuant to "Flow of Funds; Transfer of Funds, Section (d)(ii)" above, will be sufficient to pay the principal of and interest on the 2014 Bonds when due.

Rebate Fund

(a) There is created and established by the City a separate special fund to be designated the "Open Space Acquisition Bonds, Series 2014 Rebate Fund" (the "Rebate Fund"), which will be expended in accordance with the provisions of the Ordinance and the Tax Letter of Instructions, and there is further established within said Rebate Fund the Rebate Principal Account and the Rebate Income Account. The City will make deposits and disbursements from the Rebate Fund in accordance with the Tax Letter of Instructions, will invest the Rebate Fund only in legal investments for funds of the City and pursuant to said Tax Letter of Instructions, and will deposit income from said investments immediately upon receipt thereof in the Rebate Income Account, all as set forth in the Tax Letter of Instructions. The City will make the calculations, deposits, disbursements and investments as may be required by the immediately preceding sentence, or, to the extent it deems necessary in order to ensure the tax exempt status of interest on the 2014 Bonds, will employ at its expense a person or firm with recognized expertise in the area of rebate calculation, to make such calculations. The Tax Letter of Instructions may be superseded or amended by a new Tax Letter of Instructions drafted by, and accompanied by an opinion of, nationally recognized bond counsel addressed to the City to the effect that the use of said new Tax Letter of Instructions will not cause the interest on the 2014 Bonds to become includible in gross income for purposes of federal income taxation.

(b) The City will make the rebate deposit described in the Tax Letter of Instructions. Records of the determinations required by this Section and the Tax Letter of Instructions will be retained by the City until four years after the final retirement of the 2014 Bonds.

(c) Not later than 30 days after the end of the fifth Bond Year (i.e. the year ended August 15, 2019) and every five years thereafter, the City will pay to the United States of America 90% of the amount required to be on deposit in the Rebate Principal Account as of such payment date and 100% of the amount on deposit in the Rebate Income Account as of such payment date. Not later than 60 days after the final retirement of the 2014 Bonds, the City will pay to the United States of America 100% of the balance remaining in the Rebate Principal Account and the Rebate Income Account. Each payment required to be paid to the United States of America pursuant to this Section 15 will be filed with the Internal Revenue Service Center, Ogden, Utah 84201. Each payment will be accompanied by a copy of the Internal Revenue Form 8038-G originally filed with respect to the 2014 Bonds and a statement summarizing the determination of the amount to be paid to the United States of America.

Additional Tax Covenants

(a) The City covenants that it will not use or permit the use of any proceeds of the 2014 Bonds or any other funds of the City from whatever source derived, directly or indirectly, to acquire any securities or obligations and will not take or permit to be taken any

other action or actions, which would cause any of the 2014 Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Tax Code, or would otherwise cause the interest on the 2014 Bonds to be includible in gross income for federal income tax purposes. The City covenants that it will at all times do and perform all acts and things permitted by law and which are necessary in order to assure that interest paid by the City on the 2014 Bonds will, for purposes of federal income taxation, not be includible in gross income under the Tax Code or any other valid provision of law.

(b) In particular, but without limitation, the City further represents, warrants and covenants to comply with the following restrictions of the Tax Code, unless it receives an opinion of nationally recognized bond counsel stating that such compliance is not necessary:

(i) Gross proceeds of the 2014 Bonds will not be used in a manner which will cause the 2014 Bonds to be considered "private activity bonds" within the meaning of the Tax Code.

(ii) The 2014 Bonds are not and will not become directly or indirectly "federally guaranteed."

(iii) The City will timely file Internal Revenue Form 8038-G which will contain the information required to be filed pursuant to Section 149(e) of the Tax Code.

(iv) The City will comply with the Tax Letter of Instructions delivered to it on the date of issue of the 2014 Bonds with respect to the application and investment of 2014 Bond proceeds, subject to "Rebate" above.

Investments

The proceeds of the 2014 Bonds will be used exclusively for the purposes recited in the Ordinance and in the 2014 Bonds; provided, however, that all, or any proper portion of, the proceeds of the 2014 Bonds in the Bond Fund and other moneys in the Bond Fund with respect to the 2014 Bonds may be invested only in securities or obligations which are lawful investments for such funds of the City which constitute Permitted Investments. All earnings, income, profits and losses with respect to such funds will be retained in the respective fund.

Further Covenants

The City irrevocably covenants and agrees with each and every Registered Owner of the 2014 Bonds as follows:

(a) That at least once each year it will cause an audit to be made of the books relating to its Sales and Use Tax Revenues, such audit to be made by a certified public or registered accountant after the close of each fiscal year, and a copy of which audit will be furnished, upon request, to the Original Purchaser of the 2014 Bonds and, on written request and at their expense, to the Registered Owners of any of the 2014 Bonds. The cost of making said reports and audits will be paid from moneys available from such Sales and Use Tax Revenues, if any, or from general funds of the City if no such moneys are available. The annual audit of the City's general purpose financial statements will be deemed to satisfy this requirement.

(b) That it will continue to operate and manage the collection and enforcement of the Sales and Use Taxes in the most efficient and economical manner possible.

(c) That in the event that the Sales and Use Tax, or either of such taxes, are replaced and superseded, in any manner, the revenues derived by the City from the replacement source or sources, as received by the City, are, to the extent permitted by law, pledged and will be placed in the Bond Fund in amounts at least sufficient to pay the principal of and interest on the 2014 Bonds authorized in the Ordinance, and that the Council will promptly, as required by the Ordinance, take any and all actions which may be necessary to accomplish such deposits. From and after the date of said replacement, the 2014 Bonds and any other then outstanding Parity Lien Bonds, will have a first and prior (but not exclusive) lien upon such replacement revenues to the extent specified in the Ordinance.

Additional Bonds

No additional bonds or other obligations will be issued or incurred payable from the Net Pledged Revenues pledged in the Ordinance to the payment of the 2014 Bonds and having a lien upon the Net Pledged Revenues which is prior or superior to the lien of the 2014 Bonds authorized in the Ordinance. Nothing contained in the Ordinance will be construed in such a manner as to prevent the issuance by the City of additional Parity Lien Bonds payable from the Net Pledged Revenues or a portion thereof and constituting a lien upon the Net Pledged Revenues equal to and on a parity with the lien of the 2014 Bonds authorized in the Ordinance, provided:

(a) That at the time of issuance of any such Parity Lien Bonds, there is no deficiency in any fund required by the Ordinance.

(b) That the City must be in compliance with all of the covenants and agreements contained in the Ordinance.

Assuming the issuance of the 2014 Bonds as described in "USE OF PROCEEDS," the City will have outstanding $15,410,000* of Parity Lien Bonds as well as $7,609,662 of lease purchase revenue notes payable from a portion of the Net Pledged Revenues.

Defeasance

A 2014 Bond will not be deemed to be outstanding under the Ordinance if it will have been paid and cancelled or if cash funds or direct general obligations of, or obligations the payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America ("Governmental Obligations"), will have been deposited in trust for the payment thereof (whether upon or prior to the maturity of any such 2014 Bond, but if such 2014 Bond is to be paid prior to maturity, the City will have given the Paying Agent irrevocable directions to give notice of redemption as required by the Ordinance, or such notice will have been given in accordance with the Ordinance). In computing the amount of the deposit described above, the City may include interest to be earned on the Governmental Obligations.

* Subject to change.

DEBT SERVICE REQUIREMENTS

Set forth below is a summary of the estimated debt service requirements for the 2014 Bonds, the combined debt service requirements for the Parity Lien Bonds and the combined debt service payable on the 2014 Bonds and the Parity Lien Bonds.

Debt Service Requirements(1)*

	The 2014 Bonds			Debt Service on	Grand
Year	Principal	Interest	Total	Parity Lien Bonds	Total
2014				$5,221,113	
2015				3,797,713	
2016				3,789,763	
2017				3,792,963	
2018				3,805,763	
2019				2,025,231	
2020					
2021					
2022					
2023					
2024					
2025					
2026					
2027					
2028					
2029					
2030					
2031					
2032					
2033					
2034					
Total				$22,432,546	

(1) Totals may not add due to rounding.

Source: The Financial Advisor.

* Subject to change.

SECURITY FOR THE 2014 BONDS

Net Pledged Revenues

The 2014 Bonds are payable from, and will constitute an irrevocable pledge of and a first and prior (but not an exclusive) lien on all Net Pledged Revenues. Net Pledged Revenues or portions thereof will additionally secure any parity lien and subordinate lien bonds heretofore or hereafter issued in accordance with the Ordinance. Net Pledged Revenues may also be used to make up any reserve fund deficiencies for other bonds.

In general, the Net Pledged Revenues consist of those City sales and use tax revenues dedicated to use for open space purposes, after certain allowable deductions (the "Net Pledged Revenues"). Such revenues are derived from three separately enacted tax measures, but all such revenues are accounted for in the City's Open Space Fund. On November 7, 1967, the citizens of the City voted to impose an additional 1% sales and use tax. The sales and use tax was authorized to finance two programs: 40% of the revenue was earmarked for the acquisition and protection of open space lands and 60% of the revenue was earmarked for authorized transportation expenses. Forty percent of the sales and use tax revenues (after reasonable and necessary costs and expenses of collection, if any) attributable to such levy and collection after deduction of tax refunds required by Section 3-2-39 of the Boulder Revised Code, 1981, as amended (the "Code"), are referred to herein as the "Forty Percent Net Pledged Revenues." On November 7, 1989, the citizens of the City voted to impose an additional 0.33% sales and use tax. This sales and use tax was authorized to provide funds for the acquisition, maintenance, preservation, retention and use of open space lands as defined in Section 170 of the Charter and the payment of any indebtedness and tax refunds related thereto. The tax was to expire on December 31, 2004, but in the November 1997 city general election, the City electors extended the expiration date to December 31, 2018. Sales and use tax revenues (after reasonable and necessary costs and expenses of collection, if any) attributable to the levy and collection of such 0.33% sales and use tax after deduction of tax refunds required by the Code are referred to herein as the "Thirty Three Percent Net Pledged Revenues." On November 4, 2003, the citizens of the City voted to impose an additional 0.15% sales and use tax. This sales and use tax was authorized to provide additional funds for the acquisition, maintenance, preservation, retention and use of open space lands as defined in Section 170 of the Charter and the payment of any indebtedness and tax refunds related thereto. The tax commenced on January 1, 2004 and will expire on December 31, 2019. Sales and use tax revenues (after reasonable and necessary costs and expenses of collection, if any) attributable to the levy and collection of such 0.15% sales and use tax after deduction of tax refunds required by the Code are referred to herein as the "Fifteen Percent Net Pledged Revenues".

In the November 2013 City general election, the City electors extended the 0.15% sales and use tax expiration date to December 31, 2039. However, the revenue will be used for transportation purposes starting in 2020 and for general municipal services starting in 2030. The City electors also voted to extend the 0.33% sales and use tax indefinitely. However, starting in 2019, Open Space will receive 0.22% (the "Twenty-Two Percent Net Pledged Revenues") and the General Fund will receive 0.11% of the 0.33% sales tax until December 31, 2034. The ratios will change to 0.10% for Open Space (the "Ten Percent Net Pledged Revenues") and 0.23% for General Fund starting in 2035. These changes in sales and use tax changes are referred to herein as the "Future Changes in Net Pledged Revenues." *Therefore, beginning in 2019 and 2020, the percentage of City sales and use taxes constituting Net Pledged Revenues will materially*

decrease as described above. The Forty Percent Net Pledged Revenues, the Thirty-Three Percent Net Pledged Revenues, the Twenty-Two Percent Net Pledged Revenues, the Fifteen Percent Net Pledged Revenues and the Ten Percent Net Pledged Revenues are collectively referred to herein as the "Net Pledged Revenues."

City Sales and Use Tax

The City derives a substantial amount of its annual revenues from a general sales and use tax. The City's general sales and use tax is presently 3.56%. Presently 0.88% (decreasing incrementally to 0.50% by 2035) of such sales and use tax is dedicated to open space and the net revenues of which are pledged to repay the Bonds as described in "Net Pledged Revenues" above. The remaining sales and use tax is used for other municipal purposes.

The City's sales and use tax is levied against the full purchase price paid or charged for tangible personal property and taxable services purchased or sold at retail in the City. The sales tax is levied on all sales of tangible personal property or taxable services, except those specifically exempted as discussed below. The use tax is levied on the privilege of using in the City, personally or as part of rendering a service, tangible personal property or taxable services upon which a municipal sales or use tax has not been paid and is paid by either the vendor doing business in the City or the consumer. Certain nonprofit organizations are exempt from paying the City's sales and use tax on their own purchases.

The purchase, sale or use of the following property and services is exempt from the City's sales and use taxes: (a) services not otherwise taxable under Chapter 3-2 of the Boulder Revised Code, 1981, as amended ("Chapter 3-2") whose price is separately stated from the price of tangible personal property with which the services are sold; (b) services not otherwise taxable under Chapter 3-2 whose price is not separately stated from the price of tangible personal property with which the services are sold, but that is calculated as a percentage of the total sales price of the property, and approved as exempt by the City Manager; (c) tangible personal property that is sold at wholesale that is actually transformed by the process of manufacture and becomes a necessary and recognizable ingredient of the finished product, and whose presence in the finished product is essential to the use thereof in the hands of the ultimate consumer; (d) commercial packing materials; (e) certain mobile homes once subjected to the payment of sales or use tax under Chapter 3-2; (f) wholesale sales of taxable property to a licensed retailer for purposes of resale; (g) tangible personal property that is to be used, stored or consumed outside the City by persons residing or doing business outside the City; (h) gasoline or motor fuel upon which has accrued or has been paid the tax prescribed by the Colorado Gasoline and Special Fuel Tax Law; (i) cigarettes; (j) medical supplies; (k) public accommodations; (l) admission to places or events; (m) neat cattle, sheep, lambs, swine and goats, and mares and stallions for breeding; (n) newspapers and newsprint and printer's ink used to produce newspapers; (o) sales of tangible personal property and taxable services that are to be used, stored or consumed outside the City to persons who are not residents of the City and who do not engage in business in the City; (p) motion picture prints when the exhibitor thereof charges admission for exhibition and pays the admission tax imposed by Chapter 3 6 of the Boulder Revised Code, 1981, as amended; (q) tangible personal property owned by a City resident but purchased when the purchaser was not a City resident and used for a substantial period of time outside of the City; (r) amounts paid by any purchaser as, or in the nature of, interest or finance charges or account of credit extended in connection with the sale or purchase of any tangible personal property if the interest is separately stated from the consideration received for the

property; (s) tangible personal property brought into the City by a non-resident for temporary personal use; (t) automobile dealers' demonstration vehicles; (u) all property and services whose sale, purchase or use is prohibited from taxation by the United States or the State of Colorado; (v) all sales of food purchased with food stamps; (w) building materials for installation, use or consumption on buildings which have been designated as landmarks; and (x) certain occasional food sales.

Upon deposit of moneys in the Open Space and Street Fund, there is first deducted there from certain amounts required to be refunded in accordance with the City's tax refund program. The tax refund program is presently intended to provide a rebate of sales taxes paid on food to certain categories of families and individuals where at least one member of the family or such individual is either a child under the age of 18, is disabled or is over the age of 62. In addition, in order to qualify for the food tax refund, certain income limitations must be met, depending upon family size. For example, a single person household must have income of $33,650 or less, whereas an eight person household must have income of $63,450 or less. The amount of such food tax refund paid by the City is $75 per qualifying individual and $231 per family.

In addition to the general sales and use taxes referred to above, the City also levies a special, separate sales and use tax of 0.15% on certain specific transactions such as food and beverage service.

Listed below are the City's actual general sales and use tax revenues collected for the years 2009 through 2013, inclusive, as well as unaudited year-to-date revenues collected through May 31, 2014. Such figures do not include revenues derived from the special sales and use taxes levied on food and beverage service as described in the preceding paragraph.

City Sales and Use Tax Revenues
(Dollars shown in thousands)

Year	General Fund	Special Revenue Fund .15 Cent Sales Tax (1)	Special Revenue Fund .25 Cent Sales Tax	Special Revenue Fund Open Space	Special Revenue Fund Transportation	Boulder Junction Improvement Fund	Debt Service Fund .15 Cent Sales Tax	Downtown Commercial District (2)	Total	Total-net of food service and food tax refunds
2014 (3)	$20,532	$ -	$2,994	$10,607	$ 9,015	$199	$ -	$ -	$ 43,347	$ 43,189
2013	51,375	-	7,578	26,771	18,144	268	-	118	104,254	103,738
2012	46,314	-	7,041	25,029	16,854	655	1,504	119	97,516	96,943
2011	41,762	2,436	6,764	23,819	16,199	-	1,624	94	92,698	92,228
2010	39,657	2,306	6,407	22,552	15,343	-	1,538	87	87,890	87,468
2009	38,591	2,245	6,236	21,952	14,936	-	1,497	83	85,540	85,138

(1) This sales tax is now included in the General Fund.
(2) Beginning in 2005, these revenues from the 10th and Walnut St. urban renewal area have been assigned to the Downtown Commercial District and are not available to the City.
(3) Unaudited year to date collections through May 31, 2014.

Source: The City.

The revenues pledged to the repayment of the 2014 Bonds (and any Parity Lien Bonds) are those listed under the heading "Special Revenue Fund Open Space." in the preceding table.

The City's Open Space Fund is accounted for in the City's Basic Financial Statements under the category "Governmental Funds." The audited Basic Financial Statements of the City for 2013 are contained as Appendix A hereto.

In 2013 the top ten vendors that remitted the most sales and use tax to the City accounted for approximately 24% of all sales and use taxes remitted to the City.

Set forth below are the percentages of City sales and use tax revenues derived from various categories of transactions generated during the twelve month period ended December 31, 2013:

Percentage of Sales and Use Tax Revenues by Transactional Category (Unaudited)

Category	Percentage of Total for Twelve-Month Period Ended December 31, 2013
General Retail	20.10%
Food Stores	13.02%
Eating Places	12.74%
Construction Use Tax	8.34%
Transportation/Utilities	7.46%
Computer Related Business Sector	6.85%
Automotive Trade	6.75%
Apparel Stores	3.65%
Building Material-Retail	3.57%
Home Furnishings	2.62%
Consumer Electronics	1.92%
All Other	12.98%
TOTAL	100.00%

Source: The City.

Open Space Program. The Charter establishes a department of open space, which is responsible for all open space land and other property associated therewith. The Charter also establishes an open space board of trustees consisting of five members appointed by the City Council; the term of each such trustee is five years. The Board of Trustees, among other duties, makes recommendations to the City Council concerning any expenditure or appropriation for the open space fund, the use policies on, planned uses of, and restrictions on the use of, open space land, and the incurring of any indebtedness payable from the open space fund.

The department of open space, called the department of Open Space and Mountain Parks since January of 2001, manages over 46,632 acres of land including the City's mountain parks lands which are afforded the same Charter protections as all other land acquired and managed by the department.

Pursuant to the Charter, the City's open space land is acquired, maintained, preserved, retained and used to preserve or restore natural areas characterized by or including terrain, geologic formations, flora or fauna that are unusual, spectacular, historically important, scientifically valuable or unique, or that represent outstanding or rare examples of native species; to preserve water resources in their natural or traditional state, scenic area or vistas, wildlife habitats or fragile ecosystems; to preserve land for passive recreational use, such as hiking, photography or nature studies, and, if specially designated, bicycling, horseback riding or fishing; to preserve agricultural uses and land suitable for agricultural production; to utilize land for shaping the development of the City, limiting urban sprawl and disciplining growth; to utilize non-urban land for spatial definition of urban areas; to utilize land to prevent encroachment on floodplains; and to preserve land for its aesthetic or passive recreational value and its contribution to the quality of life of the community.

Open space land may not be improved after its acquisition unless such improvements are necessary to protect or maintain the land or to provide for passive recreational, open agricultural or wildlife habitat use of the land. In addition, no open space land owned by the City may be sold, leased, traded or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by the open space board of trustees and the Council. No open space land owned by the City may be disposed of until 60 days following the date of Council approval of such disposal. If, within such 60 day period, a petition signed by registered electors of the City to the number of at least 5% of the registered electors of the City as of the day the petition is filed with the City Clerk, requesting that such disposal be submitted to a vote of the electors, such disposal will not become effective until approved by the electorate.

Pro Forma Debt Service Coverage

Set forth below is a pro forma debt service coverage chart showing what would have been the City's coverage of the maximum annual debt service on the 2014 Bonds and the Parity Lien Bonds from Net Pledged Revenues in such years. The historical pro forma debt service coverage is not necessarily indicative of future coverage ratios. *In addition, due to the Future Changes in Net Pledged Revenues, the sales and use tax percentage generating Net Pledged Revenues will decrease materially in future years. This decrease is not reflected in the table below, and therefore in future years the Net Pledged Revenues available may be significantly less than the historical numbers shown below. See "Net Pledged Revenues" above.*

Pro Forma Debt Service Coverage

	2009	2010	2011	2012	2013
Total Net Pledged Revenues	$21,952,000	$22,551,000	$23,819,000	$23,758,000	$26,771,000
Maximum Annual Debt Service7					
Pro Forma Coverage Ratio					

Source: The City and the Financial Advisor.

7 Subject to change.

Pledge of Full Faith and Credit

As additional security for the payment of the principal of and interest on the 2014 Bonds, the City will pledge the full faith and credit of the City.

In furtherance of the pledge of its full faith and credit, the City will irrevocably covenant that, in the event payments into the Bond Fund are not made in strict compliance with the provisions of the Ordinance, the City Council will promptly transfer from the general funds of the City to the Bond Fund from moneys previously appropriated, and must promptly pass and adopt supplemental or emergency appropriation ordinances and make such deposits of moneys from the general funds of the City into the Bond Fund as are necessary, in all cases, to restore the Bond Fund to the level required by the Ordinance.

The City will further covenant and agree that the appropriations will continue to be made with sufficient frequency to assure that the sums required to be placed in the Bond Fund will be deposited at or prior to the dates designated in the Ordinance, and that to the extent necessary the City will levy general ad valorem taxes on all taxable property in the City without limitation as to rate or amount to satisfy such obligation.

Ad Valorem Property Taxes

Subject to the limitations imposed by Article X, Section 20 of the State constitution (the Taxpayers Bill of Rights or "TABOR," described in "LEGAL MATTERS--Certain Constitutional Limitations"), the Board has the power to certify to the Commissioners a levy for collection of ad valorem taxes against all taxable property within the City.

Property taxes are uniformly levied against the assessed valuation of all property subject to taxation by the City. Both real and personal property are subject to taxation, but there are certain classes of property which are exempt. Exempt property includes, but is not limited to: property of the United States of America; property of the State and its political subdivisions; public libraries; public school property; property used for charitable or religious purposes; nonprofit cemeteries; irrigation ditches, canals, and flumes used exclusively to irrigate the owner's land; household furnishings and personal effects not used to produce income; intangible personal property; inventories of merchandise and materials and supplies which are held for consumption by a business or are held primarily for sale; livestock; agricultural and livestock products; and works of art, literary materials and artifacts on loan to a political subdivision, gallery or museum operated by a charitable organization. The State Board of Equalization supervises the administration of all laws concerning the valuation and assessment of taxable property and the levying of property taxes.

Assessment of Property. Taxable property is first appraised by the County Assessors to determine its statutory "actual" value. This amount is then multiplied by the appropriate assessment percentage to determine each property's assessed value. The mill levy of each taxing entity is then multiplied by this assessed value to determine the amount of property tax levied upon such property by such taxing entity. Each of these steps in the taxation process is explained in more detail below.

Determination of Statutory Actual Value. The County Assessors annually conduct appraisals in order to determine, on the basis of statutorily specified approaches, the statutory "actual" value of all taxable property within the county as of January 1. Most property is valued using a market approach, a cost approach or an income approach. Residential property is valued using the market approach, and agricultural property, exclusive of building improvements thereon, is valued by considering the earning or productive capacity of such lands during a reasonable period of time, capitalized at a statutory rate.

The statutory actual value of a property is not intended to represent its current market value, but, with certain exceptions, is determined by the County Assessors utilizing a "level of value" ascertained for each two-year reassessment cycle from manuals and associated data published by the State Property Tax Administrator for the statutorily-defined period preceding the assessment date. Real property is reappraised by the County Assessors' office every odd numbered year. The statutory actual value is based on the "level of value" for the period one and one-half years immediately prior to the July 1 preceding the beginning of the two-year reassessment cycle (adjusted to the final day of the data-gathering period). For example, values for levy year 2012 (collection year 2013) were based on an analysis of sales and other information for the period January 1, 2009 to June 30, 2010. The following table sets forth the State Property Appraisal System for property tax levy years 2009 through 2014.

Collection Year	Levy Year	Value Calculated As Of	Based on the Market Period
2010	2009	July 1, 2008	Jan. 1, 2007 to June 30, 2008
2011	2010	July 1, 2008	Jan. 1, 2007 to June 30, 2008
2012	2011	July 1, 2010	Jan. 1, 2009 to June 30, 2010
2013	2012	July 1, 2010	Jan. 1, 2009 to June 30, 2010
2014	2013	July 1, 2012	Jan. 1, 2011 to June 30, 2012
2015	2014	July 1, 2012	Jan. 1, 2011 to June 30, 2012

The County Assessors may consider market sales from more than one and one-half years immediately prior to July 1 if there were insufficient sales during the stated market period to accurately determine the level of value.

Oil and gas leaseholds and lands, producing mines and other lands producing nonmetallic minerals are valued based on production levels rather than by the base year method. Public utilities are valued by the State Property Tax Administrator based upon the value of the utility's tangible property and intangibles (subject to certain statutory adjustments), gross and net operating revenues and the average market value of its outstanding securities during the prior calendar year.

Determination of Assessed Value. Assessed valuation, which represents the value upon which ad valorem property taxes are levied, is calculated by the County Assessors as a percentage of statutory actual value. The percentage used to calculate assessed valuation differs depending upon the classification of each property.

Residential Property. To avoid extraordinary increases in residential real property taxes when the base year level of value is changed, the State constitution requires the Colorado General Assembly to adjust the assessment rate of residential property for each year in which a

change in the base year level of value occurs. This adjustment is constitutionally mandated to maintain the same percentage of the aggregate statewide valuation for assessment attributable to residential property which existed in the previous year (although, notwithstanding the foregoing, TABOR prohibits any valuation for assessment ratio increase for a property class without prior voter approval).

Pursuant to the adjustment process described above, the residential assessment rate is adjusted every two years, resulting in the following history of residential assessment rates since levy year 1989: 15.00% of statutory actual value (levy years 1989-90); 14.34% of statutory actual value (levy years 1991-92); 12.86% of statutory actual value (levy years 1993-94); 10.36% of statutory actual value (levy years 1995-96); 9.74% of statutory actual value (levy years 1997-00); 9.15% of statutory actual value (levy years 2001-02); and 7.96% of statutory actual value (levy years 2003-14). In December 2013, the Colorado Legislative Council (the research division of the Colorado General Assembly) projected that the residential assessment rate will remain at 7.96% for levy years 2015-16. This projection is only an estimate, however, and is subject to change. The residential assessment rate cannot increase without the approval of Colorado voters.

Non-residential property. All non-residential taxable property, with certain specified exceptions, is assessed at 29% of its statutory actual value. Producing oil and gas property is generally assessed at 87.5% of the selling price of the oil and gas.

Protests, Appeals, Abatements and Refunds. Property owners are notified of the valuation of their land or improvements, or taxable personal property and certain other information related to the amount of property taxes levied, in accordance with statutory deadlines. Property owners are given the opportunity to object to increases in the statutory actual value of such property, and may petition for a hearing thereon before the Boards of Equalization for the Counties. Upon the conclusion of such hearings, the County Assessors are required to complete the assessment roll of all taxable property and, no later than August 25th each year, prepare an abstract of assessment therefrom. The abstract of assessment and certain other required information is reviewed by the State Property Tax Administrator prior to October 15th of each year and, if necessary, the State Board of Equalization orders the County Assessors to correct assessments. The valuation of property is subject to further review during various stages of the assessment process at the request of the property owner, by the State Board of Assessment Appeals, the State courts or by arbitrators appointed by the Commissioners. On the report of an erroneous assessment, an abatement or refund must be authorized by the Commissioners; however, in no case will an abatement or refund of taxes be made unless a petition for abatement or refund is filed within two years after January 1 of the year in which the taxes were levied. Refunds or abatements of taxes are prorated among all taxing entities which levied a tax against the property.

Statewide Review. The Colorado General Assembly is required to cause a valuation for assessment study to be conducted each year in order to ascertain whether or not county assessors statewide have complied with constitutional and statutory provisions in determining statutory actual values and assessed valuations for that year. The final study, including findings and conclusions, must be submitted to the Colorado General Assembly and the State Board of Equalization by September 15th of the year in which the study is conducted. Subsequently, the Board of Equalization may order a county to conduct reappraisals and

revaluations during the following property tax levy year. Accordingly, the City's assessed valuation may be subject to modification following any such annual assessment study.

Homestead Property Tax Exemption. The Colorado Constitution provides property tax exemptions for qualifying senior citizens (adopted in 2000) and for disabled veterans (adopted in 2006). The senior citizen provision provides that for property tax collection years 2007 and later (except that the exemption was suspended for collection years 2009-2012), the exemption is equal to 50% of the first $200,000 of actual value of residential real property that is owner-occupied if the owner or his or her spouse is 65 years of age or older and has occupied such residence for at least 10 years. The disabled veterans provision provides that for property tax collection years 2008 and later, the same exemption is available to homeowners who have served on active duty in the U.S. Armed Forces and who are rated 100% permanently disabled by the federal government due to a service-connected disability. The State is required to reimburse all local governments for the reduction in property tax revenue resulting from these exemptions; therefore, it is not expected that this exemption will result in the loss of any property tax revenue to the City. There is no assurance, however, that the State reimbursement will be received in a time period which is sufficient to replace the reduced property tax revenue.

Taxation Procedure. The County Assessors are required to certify to the City the assessed valuation of property within the City no later than August 25th of each year. Subject to the limitations of TABOR, based upon the valuation certified by the County Assessor, the Board computes a rate of levy which, when levied upon every dollar of the valuation for assessment of property subject to the City's property tax, and together with other legally available City revenues, will raise the amount required by the City in its upcoming fiscal year. The City subsequently certifies to the Commissioners the rate of levy sufficient to produce the needed funds. Such certification must be made no later than December 15th of the property tax levy year for collection of taxes in the ensuing year. The property tax rate is expressed as a mill levy, which is the rate equivalent to the amount of tax per one thousand dollars of assessed valuation. For example, a mill levy of 25 mills would impose a $250 tax on a parcel of property with an assessed valuation of $10,000.

The Commissioners levy the tax on all property subject to taxation by the City. By December 22nd of each year, the Commissioners must certify to the County Assessors the levy for all taxing entities within the applicable county. If the Commissioners fail to so certify, it is the duty of the County Assessors to extend the levies of the previous year. Further revisions to the assessed valuation of property may occur prior to the final step in the taxing procedure, which is the delivery by the County Assessors of the tax list and warrant to the County Treasurer.

Property Tax Collections. Taxes levied in one year are collected in the succeeding year. Thus, taxes certified in 2013 are being collected in 2014 . Taxes are due on January 1st in the year of collection; however, they may be paid in either one installment (not later than the last day of April) or in two equal installments (not later than the last day of February and June 15th) without interest or penalty. Interest accrues on unpaid first installments at the rate of 1% per month from March 1 until the date of payment unless the whole amount is paid by April 30. If the second installment is not paid by June 15, the unpaid installment will bear interest at the rate of 1% per month from June 16 until the date of payment. Notwithstanding the foregoing, if the full amount of taxes is to be paid in a single payment after the last day of April and is not so paid, the unpaid taxes will bear penalty interest at the rate of 1% per month accruing from the first day of

May until the date of payment. The County Treasurer collects current and delinquent property taxes, as well as any interest or penalty, and after deducting a statutory fee for such collection, remits the balance to the City on a monthly basis. The payments to the City must be made by the tenth of each month, and shall include all taxes collected through the end of the preceding month. The County Treasurer also is required to make a second monthly payment to the City on or before the twenty-fourth day of the months of March, May and June, reflecting taxes collected through the twentieth day of the respective month.

All taxes levied on property, together with interest thereon and penalties for default, as well as all other costs of collection, constitute a perpetual lien on and against the property taxed from January 1st of the property tax levy year until paid. Such lien is on a parity with the tax liens of other general taxes. It is the duty of the County Treasurer to enforce the collection of delinquent real property taxes by tax sale of the tax lien on such realty. Delinquent personal property taxes are enforceable by distraint, seizure, and sale of the taxpayer's personal property. Tax sales of tax liens on realty are held on or before the second Monday in December of the collection year, preceded by a notice of delinquency to the taxpayer and a minimum of four weeks of public notice of the impending public sale. Sales of personal property may be held at any time after October 1st of the collection year following notice of delinquency and public notice of sale. There can be no assurance that the proceeds of tax liens sold, in the event of foreclosure and sale by the County Treasurer, would be sufficient to produce the amount required with respect to property taxes levied by the City and property taxes levied by overlapping taxing entities, as well as any interest or costs due thereon. Further, there can be no assurance that the tax liens will be bid on and sold. If the tax liens are not sold, the County Treasurer removes the property from the tax rolls and delinquent taxes are payable when the property is sold or redeemed. When any real property has been stricken off to a county and there has been no subsequent purchase, the taxes on such property may be determined to be uncollectible after a period of six years from the date of becoming delinquent and they may be canceled by the Commissioners after that time.

Potential Overlap with Tax Increment Authorities. Colorado law allows the formation of public highway authorities. Pursuant to statute, the board of directors of a public highway authority is entitled to designate areas within the authority's boundaries as "value capture areas" to facilitate the financing, construction, operation or maintenance of highways constructed by the authority; an authority is entitled to capture a portion of the property taxes in such an area to support these purposes. No public highway authority currently exists within the City. If a public highway authority value capture area is implemented in the future, it is impossible to predict the terms of the plan, including whether it would negatively impact the City's property tax revenues.

Similarly, the State law allows the formation of urban renewal authorities and downtown development authorities in areas which have been designated by the governing bodies of municipalities as blighted areas. Certain property in the City currently is located within urban renewal areas authorized by the Boulder Urban Renewal Authority ("BURA"). Other redevelopment areas may be formed by BURA in the future. With respect to the property included in the boundaries of such districts and subject to a renewal plan, the assessed valuation of such property that is taxable does not increase beyond the amount existing in the year prior to the adoption of the plan (other than by means of the general reassessment). Any increase above the "base" amount is paid to the applicable authority. See "Ad Valorem Property Tax Data – History of City's Assessed Valuation" below.

Ad Valorem Property Tax Data

A five-year history of the City's certified assessed valuations is set forth in the following chart.

History of City's Assessed Valuation

Levy/Collection Year	Total Assessed Value[1]	Percent Change
2009/2010	$2,562,745,620	--
2010/2011	2,566,046,123	0.1%
2011/2012	2,498,113,532	(2.6)
2012/2013	2,500,705,976	0.1
2013/2014	2,567,474,742	2.7

(1) Does not include the assessed valuation attributable to the Boulder Urban Renewal Authority 9th and Canyon project in the following amounts for the respective levy years: $8,052,640 in 2009; $8,006,976 in 2010; $9,451,663 in 2011; $9,393,325 in 2012; and $9,497,809 in 2013.

Sources: State of Colorado, Department of Local Affairs, Division of Property Taxation, Annual Reports, 2009-2012; and the Boulder County Assessor's Office.

A five-year history of the City's mill levies is set forth in the following chart.

History of City's Mill Levy

Levy/ Collection Year	General Fund	CHAP Fund	Library Fund	Permanent Parks Fund	Public Safety Property & Sales Tax Fund	Total Mill Levy	Temporary Tax Credit	Net Mill Levy Total
2009/2010	7.948	0.800	0.333	0.900	2.000	11.981	(1.686)	10.295
2010/2011	7.948	0.800	0.333	0.900	2.000	11.981	(1.163)	10.818
2011/2012	7.948	0.800	0.333	0.900	2.000	11.981	0.000	11.981
2012/2013	7.948	0.800	0.333	0.900	2.000	11.981	0.000	11.981
2013/2014	7.948	0.800	0.333	0.900	2.000	11.981	0.000	11.981

Source: The City.

The following chart sets forth the City's ad valorem property tax collections for the time periods indicated.

Property Tax Collections for the City

Levy/ Collection Year	Total Taxes Levied[1]	Total Current Tax Collections[2]	Collection Rate
2008/2009	$23,856,171	$23,757,562	99.59%
2009/2010	26,466,368	26,327,080	99.47
2010/2011	27,846,105	27,750,731	99.66
2011/2012	30,043,139	29,854,853	99.37
2012/2013	30,073,500	29,876,218	99.34
2013/2014[3]	30,760,915	29,934,088	--

(1) Levied amounts do not reflect abatements or other adjustments. Levied amounts do not include the assessed revenue attributable to the tax increment financing district in the following amounts for the respective levy years: $74,974 for 2008; $82,902 for 2009; $86,619 for 2010; $113,240 for 2011; $112,541 for 2012; and $113,793 in 2013.
(2) The county treasurer's collection fees have not been deducted from these amounts. Figures do not include interest, fees and penalties.
(3) Figures are for January 1 through June 30, 2014.

Sources: State of Colorado, Department of Local Affairs, Division of Property Taxation, Annual Reports, 2008-2013; and the Boulder County Treasurer's Office.

Based upon the most recent certified information available from the County Assessor's Office, the following chart represents the largest taxpayers within the City, measured by assessed value. A determination of the largest taxpayers can be made only by manually reviewing individual tax records. Therefore, it is possible that owners of several small parcels may have an aggregate assessed value in excess of those set forth in the following chart. Furthermore, the taxpayers shown in the chart may own additional parcels within the City not included herein. No independent investigation has been made of and consequently there can be no representation as to the financial conditions of the taxpayers listed below or that such taxpayers will continue to maintain their status as major taxpayers in the City.

Largest Taxpayers in the City for 2013

Taxpayer	Assessed Valuation (in thousands)	Percentage of Total Assessed Valuation
IBM Corporation	$30,756	1.20%
Public Service Company of CO	29,892	1.16%
Macerich Twenty Ninth St., LLC	26,603	1.04%
Flatiron Investments, LP	19,726	0.77%
Qwest Corp.	19,307	0.75%
International Business Machines	16,450	0.64%
Covidien LP	16,030	0.62%
Ball Aerospace & Technologies Corp	16,009	0.62%
Corden Pharma Colorado Inc	15,988	0.62%
Vail Lizard LLC	14,350	0.56%
TOTAL	$205,111	7.99%

(1) Based on a 2013 certified assessed valuation of $2,567,474,742.

Source: Boulder County Assessor's Office.

The following table sets forth the current assessed valuation of specific classes of real and personal property within the City. Residential property accounts for the largest percentage of the City's assessed valuation, and therefore it is anticipated that owners of residential property will pay the largest percentage of ad valorem property taxes levied by the City.

2013 Assessed Valuation of Classes of Property in the City

Residential	$1,249,772,032	48.50%
Commercial	1,002,536,891	38.90
Industrial	227,657,173	8.83
State Assessed	66,729,480	2.59
Vacant	30,207,352	1.17
Agricultural	69,391	0.00
Natural Resources	232	0.00
TOTAL	$2,576,972,551 (1)	100.00%

(1) The values include $9,497,809 of assessed valuation attributable to the Boulder Urban Renewal Authority 9th and Canyon project; therefore, the total assessed valuation figure given herein differs from the assessed valuation figure set forth elsewhere in the Official Statement.

Sources: Boulder County Assessor's Office.

Mill Levies Affecting Property Owners Within the City

In addition to the City's ad valorem property tax levy, owners of property located within the City are obligated to pay property taxes to other taxing entities in which their property is located. The following table is only a representative sample of the total mill levy and is not intended to portray the mills levied against all properties in the City. Additional taxing entities may overlap the City in the future.

2013 Sample Mill Levy Affecting City Property Owners

Taxing Entity[1]	Mill Levy[2]
Boulder County School District RE-2	45.372
Boulder County	25.120
Boulder Central General Improvement District	4.895
Northern Colorado Water Conservancy District	1.000
Urban Drainage and Flood Control District	0.608
Total Overlapping Sample Mill Levy	76.995
The City	11.981
Total Sample Mill Levy	88.976

(1) Regional Transportation District also overlaps the City, but does not assess a mill levy.
(2) One mill equals 1/10 of one cent. Mill levies certified in 2013 are for the collection of ad valorem property taxes in 2014.

Sources: Boulder County Assessor's Office.

Estimated Overlapping General Obligation Debt

In addition to the general obligation indebtedness of the City, other taxing entities are authorized to incur general obligation debt within boundaries which overlap or partially overlap the boundaries of the City. The following chart sets forth the estimated overlapping general obligation debt chargeable to property owners within the City.

Estimated Overlapping General Obligation Debt

Entity[1]	2013 Assessed Valuation[3]	Outstanding General Obligation Debt	Outstanding General Obligation Debt Attributable to the City[4]	
			Percent	Debt
Boulder Central Area General Improvement District	$227,582,396	$11,810,000	100.00%	$11,810,000
Boulder Valley School District RE-2	4,903,070,971	337,495,000	51.98	175,429,901
Northern Colorado Water Conservancy District[2]	14,594,645,974	4,410,011	17.60	776,162
Rocky Mountain Fire Protection District	354,955,225	8,225,000	0.27	22,208
St. Vrain Valley School District RE-1J	2,417,705,834	411,565,000	1.18	4,856,467
TOTAL				$192,894,738

(1) The following entities also overlap the City but have no reported general obligation debt outstanding: Boulder County; City of Boulder Forest Glen General Improvement District-Eco Pass; Boulder Junction Access General Improvement District-Parking; Boulder Junction Access General Improvement District-Travel Demand Management; Boulder Rural Fire Protection District; Boulder Urban Renewal Authority-9th and Canyon project; Downtown Boulder Business Improvement District; Left Hand Water District; Urban Drainage and Flood Control District; and University Hill General Improvement District.

(2) The Northern Colorado Water Conservancy District ("NCWCD") lies in eight counties. NCWCD's general obligation debt consists of a perpetual contract payable with the U.S. Bureau of Reclamation for the Horsetooth Dam Rehabilitation and Pole Hill Canal Refurbishment Projects.

(3) Assessed values certified in 2013 are for collection of ad valorem property taxes in 2014.

(4) The percentage of each entity's outstanding debt chargeable to the City is calculated by comparing the assessed valuation of the portion overlapping the City to the total assessed valuation of the overlapping entity. To the extent the City's assessed valuation changes disproportionately with the assessed valuation of overlapping entities, the percentage of debt for which property owners within the City are responsible will also change.

Sources: Assessors' Offices of Boulder, Gilpin, Larimer, Logan, Morgan, Sedgwick, Washington, and Weld Counties; Assessor's Office of the City and County of Broomfield; and individual taxing entities.

THE CITY

Description

The City of Boulder, Colorado (the "City") is a municipal corporation duly organized and existing as a home rule city under Article XX of the Constitution of the State of Colorado (the "State") and the home rule charter of the City. The City, with an estimated 2013 population of approximately 103,166 is located in north central Colorado, approximately 25 miles northwest of Denver, Colorado via the Denver-Boulder Turnpike (U.S. 36). The City encompasses 25 square miles, and is the county seat of Boulder County.

Governing Body

The City operates under a council-manager form of government whereby all powers of the City are vested in an elected City Council. On November 2, 1999 voters approved an amendment to the City's Charter removing term limits for City Council members. The present members of the Council, their principal occupations, lengths of service to the Council, and terms of office are as follows:

Name, Office	Principal Occupation	Years of Service	Term Expires
Matthew Appelbaum, Mayor	Software Consultant	15	2017
George Karakehian, Mayor Pro Tem	Business Owner	5	2015
Lisa Morzel	Geologist	15	2015
Macon Cowles	Attorney	9	2015
Suzanne Jones	Nonprofit Executive Director	3	2015
Tim Plass	Attorney	3	2015
Andrew Shoemaker	Attorney	1	2017
Sam Weaver	CEO	1	2017
Mary Young	Consultant	1	2017

Administrative Personnel

The City Council consists of nine members elected for staggered four and two year terms. The presiding member of the City Council, as selected by the members thereof, is designated as Mayor.

Various individuals are responsible for implementation of the City Council's actions with respect the day-to-day operation and maintenance of the City. The following paragraphs summarize the background and experience of selected City administrative personnel.

The City Manager manages the day to day business of the City government; sets strategic direction to achieve the City's community sustainability goals; implements council determined policies; coordinates community issues between departments; and supervises the work of the departments.

Jane S. Brautigam, City Manager. Jane S. Brautigam was appointed City Manager in October of 2008 and is the City's first woman manager in its 90 year history. Before joining the City, Ms. Brautigam was the city manager for Dublin, Ohio from 2002-2008. Previously she worked as the city manager and city attorney for Loveland Colorado; the city attorney and assistant city attorney for Greenwood Village, Colorado; and as assistant county attorney for Boulder County. Ms. Brautigam earned a Bachelor of Arts degree in history from Allegheny College and a Juris Doctor Degree from the University of Pennsylvania Law School.

Robert W. Eichem, Chief Financial Officer Mr. Eichem was appointed as the Finance Director for the City in May of 2005. He has over 29 years of experience as a finance officer in Colorado local government. He has extensive experience in debt and investment portfolio management. He holds a Bachelor's degree in Business Administration from Colorado State University and continues to pursue a Master's degree in Political Science from the University of Colorado at Denver. At the national level, he is President of the Government Finance Officers Association that develops recommended practices for state and local governments. He has served as the education chairman of the organization for 10 years. He is a member of the American Institute of Certified Public Accountants and Colorado Society of

Certified Public Accountants. Mr. Eichem is frequently asked to be a panel member or speaker at national and state conferences on a variety of local government finance topics.

Growth Policy

The City and County have a jointly adopted comprehensive plan that directs new urban development to the City's service area, preserves lands outside the urban growth boundary, promotes a compact community, provides for affordable housing, and promotes alternative transportation modes.

In January 2014, the City and its service area (Areas I and II) had a population of approximately 113,690 and employment of 100,500. Approximately 29,000 students attend the University of Colorado. Over the next 20 years, the City is projected to add another 8,000 housing units, 16,000 people and 20,000 jobs. Since there is little vacant land left in the City's service area, most of this growth will occur through redevelopment.

Retirement and Pension Matters

City employees are covered under several retirement plans and the City provides additional postemployment benefits. The matters are discussed in significant detail in Notes U, V and W to the City's audited financial statements appended hereto.

Labor Relations

Non-management, non exempt employees of most City departments are presently represented by the Boulder Municipal Employees Association (the "BMEA") through the last pay period of 2016. There are 425 standard employees represented by the BMEA. In addition, the City also has economic contracts with the police association (169 employees), renewed through the last pay period of 2015 and the firefighters' association (97 employees) renewed through the last pay period of 2016. In the opinion of the City's Human Resources Director, Joyce Lira, the City's relationship with its employees is presently satisfactory.

CITY FINANCIAL INFORMATION

Debt Limitation

Debt Limitation. The Charter limits City indebtedness to no more than three percent of the total assessed valuation of real property within the City. The 2013 assessed valuation is $2,576,972,551; therefore, the maximum general obligation debt permitted by the Charter is $77,309,176. This limit does not include revenue bonds, even if there is a contingent pledge of the full faith and credit of the City. The City presently has no indebtedness outstanding which applies toward the debt limit.

Revenue Obligations. The City has the authority to issue revenue obligations payable from the net revenues derived from the operation of municipality-owned utilities or other income producing projects or from the revenue received from certain taxes other than ad valorem property taxes. Such obligations do not constitute an indebtedness of the City; however, except for refinancing bonded debt at a lower interest rate, TABOR (as defined hereafter) requires that all multiple fiscal year obligations of the City have voter approval, unless the City

qualifies the issuing utility as an enterprise, which would exempt the issuance of such debt from the provisions of TABOR. The following table sets forth the City's revenue obligations (other than conduit issuances) which are outstanding as of the date of this Official Statement.

Outstanding Revenue Obligations

Obligation	Outstanding Principal Amount
Water and Sewer Revenue Bonds, Series 2005	$4,210,000
Water and Sewer Revenue Refunding Bonds, Series 2005	2,400,000
Water and Sewer Revenue Refunding Bonds, Series 2007	12,320,000
Storm Water & Flood Mgmt Rev. Rfdg. & Imp. Bonds, Series 2010	1,765,000
Water and Sewer Revenue Bonds, Series 2010	8,790,000
Water and Sewer Revenue Refunding Bonds, Series 2011	14,070,000
Water and Sewer Revenue Refunding Bonds, Series 2012	24,325,000
	$67,880,000

Other Financial Obligations. The City has the power to create special improvement districts and to issue special assessment bonds payable from assessments against benefited properties within the district. The City does not have any outstanding special improvement districts.

Leases and Long Term Contracts. The Council has the authority to enter into installment or lease option contracts, subject to annual appropriation, for the purchase of property or capital equipment without prior electoral approval as described in "LEGAL MATTERS--Certain Constitutional Limitations." The term of any such contract may not extend over a period greater than the estimated useful life of the property or equipment. As of December 31, 2013, the City had outstanding approximately $8,949,000 of lease purchase revenue notes, subject to annual appropriation which are payable from revenues guaranteed by the City's sales and use tax.

Mill Levy Limitations and Tax Rates

The Charter restricts the property tax levy to 13.0 mills on a dollar of assessed valuation. This limitation does not include special assessments for local improvements, payment of interest or principal on bonded indebtedness or the charter mill levy for health and hospital purposes. Article X, Section 20 of the Colorado Constitution, however, imposes limitations which are substantially more restrictive than those of the Charter. See "LEGAL MATTERS--Certain Constitutional Limitations."

Earmarked funds from the property tax include 0.900 mills for the Permanent Park and Recreation Fund, 0.333 mills for the Library Fund, and 0.400 mills for health related purposes. The 0.400 mills for health-related purposes is included in the City's General Fund.

For levy/collection years 2004-2005 through 2008-2009, the City approved and certified a temporary mill levy rate reduction concurrently with its certification of its mill levy to the board of county commissioners. These credits were set off against the City's "gross" mill levy to arrive at a "net" mill levy. Upon receipt of any tax warrant reflecting a temporary mill

levy reduction for any local government, the county treasurer is only responsible for collecting taxes on behalf of such local government based upon that local government's "net" mill levy. As such, the City's "net" mill levies for levy/collection years 2004-2005 through 2008-2009 are used in Tables IX through XI below. See also "LEGAL MATTERS--Certain Constitutional Limitations."

In the November 4, 2008 election, city voters approved the removal of the remaining TABOR restriction on property tax with a phase-in period and without any specific earmark for the use of the funds. Approval of this ballot issue had the effect of reducing the mill levy credit by up to .50 mill each year until the credit was completely eliminated. In 2012, the remaining mill levy credit completely was eliminated. The 2014 the mill levy rate of 11.981 remained the same as in 2013.

Summary of City Funds

The following tables provide historic information regarding the City's General Fund and Open Space & Mountain Parks Fund.

Historical Revenues, Expenditures and Changes in Fund Balance - General Fund (in thousands)

	2009	2010	2011	2012	2013	2014 (2)
Revenues:						
Taxes:						
Sales and use taxes	$38,591	$39,657	$41,762	$46,314	$51,375	$21,957
General property taxes	19,702	21,746	25,436	27,234	27,194	24,720
Accommodation taxes	3,049	3,199	4,668	4,890	5,192	2,274
Franchise taxes	7,909	9,023	8,457	10,460	10,938	4,432
Specific Ownership & Tobacco taxes	1,586	1,586	1,578	1,788	1,839	879
Excise taxes	491	182	585	361	329	93
Charges for Services	3,498	3,601	3,871	4,264	5,032	2,136
Sale of goods	49	61	179	423	197	39
Licenses, permits and fines	5,566	6,954	6,170	6,339	6,334	3,436
Intergovernmental	1,746	2,266	1,432	3,132	1,710	1,449
Leases, rents and royalties	202	216	214	221	219	126
Interest and investment earnings	468	482	653	257	128	70
Other	1,189	477	1,088	875	745	1,904
Total revenues	84,046	89,450	96,093	106,558	111,232	63,515
Expenditures:						
Current:						
General Government	10,324	12,121	15,809	13,390	18,575	12,036
Administrative Services	8,735	8,583	8,504	9,149	10,024	6,539
Public Safety	43,194	53,891	45,042	47,744	48,122	28,670
Public Works	4,366	4,502	4,962	5,196	5,529	4,434
Planning & Development Services	48	43	43	43	43	--
Culture and Recreation	4,080	4,196	11,444	12,474	12,585	2,897
Open Space and Mountain Parks	183	193	247	186	193	125
Housing and Human Services	5,338	5,827	6,263	9,614	10,278	3,522
Capital outlay	5,441	--	--	1,467	--	--
Debt service payments:						
Principal	5,906	1,250	1,850	2,420	3,115	--
Interest	226	333	650	1,546	2,341	1,096
Base rentals to Boulder Municipal Property Authority	598	594	598	601	--	--
Cost of issuance - bonds	--	--	104	--	--	--
Total expenditures	88,439	91,561	95,516	103,830	110,805	59,319
Excess (deficiency) of revenues over (under) expenditures	(4,393)	(2,111)	577	2,728	427	4,196
Other financing sources (uses):						
Sale of capital assets	6	9	12	--	--	2
Note payable issued	5,441	--	--	--	--	--
Bonds issued	6,000	9,203	--	--	--	--
Premium on bonds issued	72	--	--	--	--	--
Extraordinary item	--	--	(1,250)	--	1,888	--
Transfers in	8,274	9,099	15,498	11,026	10,283	7,956
Transfers out	(13,519)	(13,251)	(13,681)	(7,184)	(8,411)	(13,195)
Total other financing sources (uses)	6,274	5,060	579	3,842	3,760	(5,237)
Net change in fund balance	1,881	2,949	1,156	6,570	4,187	(1,041)
Fund balance, beginning of year	21,452	23,333	30,529 (1)	31,685	38,255	42,442
Fund balance, end of year	$23,333	$26,282	$31,685	$38,255	$42,442	$41,401

(1) The City's beginning fund balance for the year ended December 31, 2011, was amended to reflect a change in accounting practice pursuant to GASB 54.
(2) Unaudited, through July 31, 2014

Source: The City's audited financial statements for the years ended December 31, 2009-2013 and unaudited year to date financial statements through July 31, 2014.

Historical Revenues, Expenditures and Changes in Fund Balance – Open Space and Mountain Parks Fund (in thousands)

Revenues:	2009	2010	2011	2012	2013	2014 (2)
Taxes:						
Sales and use taxes	$21,952	$22,552	$23,819	$25,029	$26,771	$11,335
Charges for Services	42	60	101	132	129	96
Licenses, permits and fines	63	59	62	63	79	19
Intergovernmental	57	56	25	222	1,300	15
Leases, rents and royalties	289	315	328	325	229	104
Interest and investment earnings	291	289	202	91	47	35
Other	28	29	42	53	45	33
Total revenues	22,722	23,360	24,579	25,915	28,600	11,637
Expenditures:						
Current:						
Public Safety	79	81	81	81	80	--
Open Space and Mountain Parks	9,676	10,665	15,395	11,734	21,975	8,850
Capital outlay	--	--	--	2,158	--	--
Debt service payments:						
Principal	3,490	6,310	5,470	5,650	6,050	--
Interest	2,132	1,670	1,403	1,211	1,020	408
Base rentals to Boulder Municipal Property Authority	2504	2,501	4,570	--	1,625	1,375
Total expenditures	17,881	21,227	26,919	20,834	30,750	10,633
Excess (deficiency) of revenues over (under) expenditures	4,841	2,133	(2,340)	5,081	(2,150)	1,004
Other financing sources (uses):						
Sale of capital assets	78	15	5	894	257	--
Bonds issued	12,790	--	--	--	--	--
Premium on bonds issued	352	--	--	--	--	--
Payment to refunding bond escrow agent	(15,544)	--	--	--	--	--
Extraordinary item	--	--	(250)	--	--	--
Transfers in	1,160	1,074	1,182	1,187	1,233	1,264
Transfers out	(888)	(987)	(1,019)	(1,558)	(1,067)	(1,108)
Total other financing sources (uses)	(2,052)	102	(82)	523	423	156
Net change in fund balance	2,789	2,235	(2,422)	5,604	(1,727)	1,160
Fund balance, beginning of year	12,432	15,221	15,442 (1)	13,020	18,624	16,897
Fund balance, end of year	$15,221	$17,456	$13,020	$18,624	$16,897	$18,057

(1) The City's beginning fund balance for the year ended December 31, 2011, was amended to reflect a change in accounting practice pursuant to GASB 54.
(2) Unaudited, through July 31, 2014.

Source: The City's audited financial statements for the years ended December 31, 2009-2013 and unaudited year to date financial statements through July 31, 2014.

ECONOMIC AND DEMOGRAPHIC INFORMATION

This portion of the Official Statement contains general information concerning historic economic and demographic conditions in and surrounding the City. It is intended only to provide prospective investors with general information regarding the City's community. The information was obtained from the sources indicated and is limited to the time periods indicated. The information is historic in nature; it is not possible to predict whether the trends shown will continue in the future. The City makes no representation as to the accuracy or completeness of data obtained from parties other than the City.

Population and Age Distribution

The following table sets forth a history of the populations of the City, Boulder County and the State. Between 2000 and 2010, the City's population increased by approximately 2.9%, Boulder County's population increased by 9.2% and the State's population increased by 16.9%.

Population

	City of Boulder		Boulder County		Colorado	
Year	Population	Percent Change	Population	Percent Change	Population	Percent Change
1970	66,870	--	131,889	--	2,209,596	--
1980	76,685	14.7%	189,625	43.8%	2,889,733	30.8%
1990	83,312	8.6	225,339	18.8	3,294,394	14.0
2000	94,673	13.6	269,814(1)	19.7	4,301,261	30.6
2010	97,385	2.9	294,567	9.2	5,029,196	16.9
2011	99,479	2.2	300,383	2.0	5,118,526	1.8
2012	100,782	1.3	305,251	1.6	5,188,683	1.4

(1) The Boulder County figure is an estimate calculated by the Colorado State Demography Office to reflect the population lost to the incorporation of the City and County of Broomfield in 2001.

Sources: United States Department of Commerce, Bureau of the Census (1970-2010); and Colorado State Demography Office (2011-2012 figures and the 2000 Boulder county estimate).

Income

The following table sets forth a five year history of the annual per capita personal income levels for the residents of Boulder County, the State and the nation.

Annual Per Capita Personal Income

Year[1]	Boulder County	Colorado	United States
2008	$52,433	$43,406	$40,873
2009	49,476	41,515	39,357
2010	49,130	41,717	40,163
2011	51,554	44,179	42,298
2012	53,772	45,775	43,735
2013	n/a	46,610	44,543

(1) Figures posted May 2014. All figures are subject to periodic revisions.

Source: United States Department of Commerce, Bureau of Economic Analysis.

Employment

The following table presents information on employment within Boulder County, the State and the nation for the time period indicated. The unemployment rate for Boulder County has consistently been lower than the rate for the State and nation.

Labor Force and Employment

	Boulder County[1]		Colorado[1]		United States
Year	Labor Force	Percent Unemployed	Labor Force	Percent Unemployed	Percent Unemployed
2008	178,420	4.1%	2,731,053	4.8%	5.8%
2009	176,023	6.8	2,734,568	8.1	9.3
2010	175,253	6.9	2,722,913	9.0	9.6
2011	176,755	6.3	2,725,757	8.5	8.9
2012	179,702	5.9	2,746,210	7.8	8.1
2013	180,682	5.2	2,754,870	6.8	7.4
Month of May					
2013	180,234	5.1%	2,746,548	6.7%	7.5%
2014	184,138	4.2	2,780,478	5.5	6.3

(1) Figures are not seasonally adjusted.

Sources: State of Colorado, Department of Labor and Employment, Labor Market Information, Colorado Areas Labor Force Data and United States Department of Labor, Bureau of Statistics.

The following table shows the number of individuals employed within selected Boulder County industries which are covered by unemployment insurance. In 2013, the largest employment sector in Boulder County was professional and technical services (comprising approximately 14.8% of the county's work force), followed, in order, by educational services, health care and social assistance, manufacturing, and retail trade. For the twelve-month period ended December 31, 2013, total average employment in Boulder County increased 2.4% as compared to the same period ending December 31, 2012, and the average weekly wage increased by approximately 1.9% during the same period.

Average Number of Employees Within Selected Industries – Boulder County

Industry	2009	2010	2011	2012	2013
Agriculture, Forestry, Fishing, Hunting	355	382	389	385	394
Mining	485	545	251	251	212
Utilities	312	332	306	292	284
Construction	4,565	4,086	3,831	3,993	4,259
Manufacturing	15,335	15,202	15,920	16,543	17,148
Wholesale Trade	4,920	4,884	5,088	5,266	5,522
Retail Trade	15,521	15,181	15,582	16,009	16,177
Transportation & Warehousing	1,939	1,940	1,918	1,967	2,037
Information	8,784	8,696	8,662	8,733	8,348
Finance & Insurance	5,004	4,869	4,756	4,742	4,906
Real Estate, Rental & Leasing	2,203	2,114	2,141	2,226	2,284
Professional & Technical Services	21,827	21,504	22,628	23,721	24,422
Management of Companies/Enterprises	994	923	939	1,029	1,068
Administrative & Waste Services	5,655	5,832	6,492	6,617	6,832
Educational Services	18,789	18,986	19,150	19,537	19,955
Health Care & Social Assistance	17,585	17,605	18,314	18,853	19,558
Arts, Entertainment & Recreation	2,673	2,749	2,788	2,813	2,861
Accommodation & Food Services	14,080	14,259	14,977	15,525	15,856
Other Services	4,337	4,429	4,430	4,566	4,773
Non-classifiable	11	9	8	20	23
Government	7,537	7,590	7,565	7,609	7,667
Total[1]	152,909	152,116	156,134	160,697	164,583

(1) Figures may not equal totals when added, due to the rounding of averages.

Source: State of Colorado, Department of Labor and Employment, Labor Market Information, Quarterly Census of Employment and Wages (QCEW).

The following table sets forth the ten largest employers in Boulder County. No independent investigation of the stability or financial condition of the employers listed hereafter has been conducted; therefore, no representation can be made that these employers will continue to maintain their status as major employers in the area.

Major Employers – Boulder and Broomfield Counties (2013)

Employer	Product or Service	Estimated Numbers of Employees
University of Colorado at Boulder	Higher Education	7,500
Boulder Valley School District	Public Schools	4,133
St. Vrain Valley School District	Public Schools	3,806
IBM Corp.	IT Hardware, Software and Services	3,400
Level 3 Communications Inc.	Fiber Optic Networks	2,500
Boulder Community Hospital	Hospital	2,350
Ball Corp	Food and Beverage Packaging and Aerospace Products and Services	2,160
Boulder County	Local Government	1,902
Exempla Good Samaritan Medical Center	Hospital	1,400
Longmont United Hospital	Hospital	1,265

Source: The Boulder County Business Report Book of Lists and Colorado Department of Labor and Employment.

Retail Sales

The following table sets forth annual retail sales figures for the City, Boulder County and the State.

Retail Sales
(in thousands)

Year	City of Boulder	Percent Change	Boulder County	Percent Change	Colorado	Percent Change
2009	$3,515,720	--	$7,975,222	--	$134,058,593	--
2010	3,873,581	10.2 %	8,474,164	6.3%	143,670,319	7.2%
2011	4,204,617	8.5	9,139,050	7.8	154,697,943	7.7
2012	4,459,244	6.1	9,632,691	5.4	164,387,648	6.3
2013	4,434,036	(0.6)	9,841,181	2.2	171,362,038	4.2

Source: State of Colorado, Department of Revenue, Sales Tax Statistics, 2009-2013.

Current Construction

The following table sets forth a history of building permits issued for new construction in the City.

Building Permit Issuances for New Structures in the City

	Single Family		Multi-Family[1]		Commercial/Industrial[2]	
Year	Buildings	Value	Buildings	Value	Buildings	Value
2009	45	$12,583,673	18	$17,210,407	4	$4,626,418
2010	60	14,498,758	34	62,798,265	9	6,254,296
2011	35	13,877,942	27	64,270,630	4	51,299,408
2012	50	23,978,967	11	50,498,662	9	63,573,730
2013	57	21,292,625	54	161,977,375	13	87,176,920
2014[3]	34	23,713,870	23	52,637,260	11	67,247,195

(1) Includes permits for condos, townhomes, and multi-family dwellings.
(2) Includes permits for hotels and motels; amusement, social and recreational; industrial; offices, banks and professional; and stores.
(3) Figures are for January 1 through May 31, 2014.

Source: City of Boulder, Planning and Development Services.

Foreclosure Activity

The following table sets forth data on the number of foreclosures filed for the time period indicated. Such information does not take into account the number of foreclosures which were filed and subsequently redeemed or withdrawn.

History of Foreclosures – Boulder County

Year	Number of Foreclosures Filed	Percent Change
2009	1,437	--
2010	1,352	(5.9)%
2011	965	(28.6)
2012	789	(18.2)
2013	389	(50.7)
2014[1]	128	--

(1) Figures are for January 1 through May 30, 2014.

Source: Colorado Division of Housing (2009-2013) and Boulder County Public Trustee's Office (2014).

TAX MATTERS

Generally

In the opinion of Kutak Rock LLP, Bond Counsel, under existing laws, regulations, rulings and judicial decisions, interest on the 2014 Bonds is excludable from gross income for federal income tax purposes and is not a specific preference item for purposes of the federal alternative minimum tax. The opinions described in the preceding sentence assumes the accuracy of certain representations and compliance by the City with covenants designed to satisfy the requirements of the Internal Revenue Code of 1986, as amended, that must be met subsequent to the issuance of the 2014 Bonds. Failure to comply with such requirements could cause interest on the 2014 Bonds to be included in gross income for federal income tax purposes retroactive to the date of issuance of the 2014 Bonds. The City has covenanted to comply with such requirements. Bond Counsel has expressed no opinion regarding other federal tax consequences arising with respect to the 2014 Bonds.

Bond Counsel is also of the opinion that, to the extent excludable from gross income for federal income tax purposes, interest on the 2014 Bonds are not subject to State of Colorado income taxation or in the calculation of alternative minimum taxable income for purposes of the Colorado alternative minimum tax.

Notwithstanding Bond Counsel's opinion that interest on the 2014 Bonds is not a specific preference item for purposes of the federal alternative minimum tax, such interest will be included in adjusted current earnings of certain corporations, and such corporations are required to include in the calculation of alternative minimum taxable income 75% of the excess of such corporation's adjusted current earnings over their alternative minimum taxable income (determined without regard to such adjustment and prior to reduction for certain net operating losses).

The accrual or receipt of interest on the 2014 Bonds may otherwise affect the federal income tax liability of the owners of the 2014 Bonds. The extent of these other tax consequences will depend upon such owner's particular tax status or other items of income or deduction. Bond Counsel has expressed no opinion regarding any such consequences. Purchasers of the 2014 Bonds, particularly purchasers that are corporations (including S corporations and foreign corporations operating branches in the United States), property or casualty insurance companies, banks, thrifts or other financial institutions, certain recipients of social security or railroad retirement benefits, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations, should consult their tax advisors as to the tax consequences of purchasing or owning the 2014 Bonds.

A copy of the proposed form of opinion of Bond Counsel with respect to the 2014 Bonds is attached as Appendix D to this Official Statement.

Original Issue Discount and Original Issue Premium

Certain of the 2014 Bonds are being sold at a premium (collectively, the "Premium Obligations"). An amount equal to the excess of the issue price of a Premium Obligation over its stated redemption price at maturity constitutes original issue premium on such Premium Obligation. An initial purchaser of a Premium Obligation must amortize any

premium over the term of such Premium Obligation using constant yield principles based upon the purchaser's yield to maturity (or, in the case of Premium Obligations callable prior to their maturity, by amortizing the premium to the call date, based upon the purchaser's yield to the call date and giving effect to any call premium). As premium is amortized, the amount of premium amortized in a payment period offsets a corresponding amount of the interest allocable to the corresponding payment period and the purchaser's basis in such Premium Obligation is reduced by a corresponding amount resulting in the gain (or decrease in the loss) to be recognized for federal income tax purposes upon a sale or disposition of such Premium Obligation prior to its maturity. Even though the purchaser's basis may be reduced, no federal income tax deduction is allowed. Purchasers of the Premium Obligations should consult with their tax advisors with respect to the determination and treatment of amortizable premium for federal income tax purposes and with respect to the state and local tax consequences of owning a Premium Obligation.

Certain of the 2014 Bonds are being sold at a discount (the "Discounted Tax Exempt Obligations"). The difference between the initial public offering prices of the Discounted Tax Exempt Obligations and their stated amounts to be paid at maturity or upon prior redemption, constitutes original issue discount treated as interest which is not includible in gross income for federal income tax purposes, subject to the caveats and provisions described above.

In the case of an owner of a Discounted Tax Exempt Obligation, the amount of original issue discount which is treated as having accrued with respect to such Discounted Tax Exempt Obligation is added to the cost basis of the owner in determining, for federal income tax purposes, gain or loss upon disposition of a Discounted Tax Exempt Obligation (including its sale, redemption or payment at maturity). Amounts received upon disposition of a Discounted Tax Exempt Obligation which are attributable to accrued original issue discount will be treated as tax exempt interest, rather than as taxable gain, for federal income tax purposes.

Original issue discount is treated as compounding semiannually, at a rate determined by reference to the yield to maturity of each individual Discounted Tax Exempt Obligation, on days which are determined by reference to the maturity date of such Discounted Tax Exempt Obligation. The amount treated as original issue discount on a Discounted Tax Exempt Obligation for a particular semiannual accrual period is equal to (a) the product of (i) the yield to maturity for such Discounted Tax Exempt Obligation (determined by compounding at the close of each accrual period) and (ii) the amount which would have been the tax basis of such Discounted Tax Exempt Obligation at the beginning of the particular accrual period if held by the original purchaser; and (b) less the amount of any interest payable for such Discounted Tax Exempt Obligation during the accrual period. The tax basis is determined by adding to the initial public offering price on such Discounted Tax Exempt Obligation the sum of the amounts which have been treated as original issue discount for such purposes during all prior periods. If a Discounted Tax Exempt Obligation is sold between semiannual compounding dates, original issue discount which would have been accrued for that semiannual compounding period for federal income tax purposes is to be apportioned in equal amounts among the days in such compounding period.

The Code contains additional provisions relating to the accrual of original issue discount in the case of owners of a Discounted Tax Exempt Obligation who purchase such Discounted Tax Exempt Obligations after the initial offering. Owners of Discounted Tax

Exempt Obligations including purchasers of the Discounted Tax Exempt Obligations in the secondary market should consult their own tax advisors with respect to the determination for federal income tax purposes of original issue discount accrued with respect to such obligations as of any date and with respect to the state and local tax consequences of owning a Discounted Tax Exempt Obligation.

Backup Withholding

As a result of the enactment of the Tax Increase Prevention and Reconciliation Act of 2005, interest on tax-exempt obligations such as the 2014 Bonds is subject to information reporting in a manner similar to interest paid on taxable obligations. Backup withholding may be imposed on payments made to any owner of the 2014 Bonds who fails to provide certain required information including an accurate taxpayer identification number to any person required to collect such information pursuant to Section 6049 of the Code. The reporting requirement does not in and of itself affect or alter the excludability of interest on the 2014 Bonds from gross income for federal income tax purposes or any other federal tax consequence of purchasing, holding or selling tax exempt obligations.

Changes in Federal Tax Law

From time to time, there are legislative proposals in the Congress and in the states that, if enacted, could alter or amend the federal and state tax matters referred to above or adversely affect the market value of the 2014 Bonds. It cannot be predicted whether or in what form any such proposal might be enacted or whether if enacted, it would apply to bonds issued prior to enactment. In addition, regulatory actions are from time to time announced or proposed and litigation is threatened or commenced which, if implemented or concluded in a particular manner, could adversely affect the market value of the 2014 Bonds. It cannot be predicted whether any such regulatory action will be implemented, how any particular litigation or judicial action will be resolved, or whether the 2014 Bonds of the market value thereof would be impacted thereby. Purchasers of the 2014 Bonds should consult their tax advisor regarding any pending or proposed tax legislation. The opinions expressed by Bond Counsel are based upon existing legislation as of the date of issuance and delivery of the 2014 Bonds and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any pending legislation.

LEGAL MATTERS

Litigation

The City has been advised that to the best knowledge of the City Attorney as of the date of this Official Statement, there are no suits or claims currently pending or threatened against the City that will materially and adversely affect the financial condition or operations of the City, the City's power to issue and deliver the 2014 Bonds; the proceedings and authority under which the 2014 Bonds are issued, the Sales and Use Taxes are levied, or the Net Pledged Revenues are collected, or affecting the validity of the 2014 Bonds or the pledge of said Net Pledged Revenues to the repayment of the 2014 Bonds thereunder; and neither the corporate existence nor the boundaries of the City or the title of its present officers to their respective offices is being contested.

The City is presently engaged in the process of creating a municipal energy utility. To that end, the City has initiated condemnation proceedings to obtain certain property and equipment presently owned by Public Service Company of Colorado (known by the trade name "Xcel Energy"). Xcel Energy is presently the primary provider of electric service within the City. The transition to a municipal energy utility and the related issuance of up to $214 million of bonds or other obligations to finance the property to be acquired to Xcel Energy have been approved by the City's voters. The completion of this process is subject to certain conditions which may or may not be met. Any obligations issued on behalf of the municipal energy utility are not anticipated to be secured by the Net Pledged Revenues.

Governmental Immunity

The Colorado Governmental Immunity Act, Title 24, Article 10, C.R.S. (the "Immunity Act"), provides that, with certain specified exceptions, sovereign immunity acts as a bar to any action against a public entity, such as the City, for injuries which lie in tort or could lie in tort.

The Immunity Act provides that sovereign immunity is waived by a public entity for injuries occurring as a result of certain specified actions or conditions, including: the operation of a non-emergency motor vehicle owned or leased by the public entity; operation and maintenance of any public water, gas, sanitation, electrical, power or swimming facility; a dangerous condition of any public buildings; the operation of any public water facility; and a dangerous condition of a public highway, road or street as provided in the Immunity Act. In such instances, the public entity may be liable for injuries arising from an act or omission of the public entity, or an act or omission of its public employees, which are not willful and wanton, and which occur during the performance of their duties and within the scope of their employment. The maximum amounts that may be recovered under the Immunity Act, whether from one or more public entities and public employees, are as follows: (a) for any injury to one person in any single occurrence, the sum of $350,000; (b) for an injury to two or more persons in any single occurrence, the sum of $990,000; except in such instance, no person may recover in excess of $350,000. The Immunity Act provides for increases in those amounts every four years pursuant to a formula based on the Denver-Boulder-Greeley Consumer Price Index. The City may not be held liable under the Immunity Act either directly or by indemnification for punitive or exemplary damages unless the City voluntarily pays such damages in accordance with State law.

The City may be subject to civil liability and damages including punitive or exemplary damages and it may not be able to claim sovereign immunity for actions founded upon various federal laws, or other actions filed in federal court. Examples of such civil liability include suits filed pursuant to 42 U.S.C. § 1983 alleging the deprivation of federal constitutional or statutory rights of an individual. In addition, the City may be enjoined from engaging in anti-competitive practices which violate the antitrust laws. However, the Immunity Act provides that it applies to any State court having jurisdiction over any claim brought pursuant to any federal law, if such action lies in tort or could lie in tort.

Approval of Certain Legal Proceedings

In connection with the 2014 Bonds, Kutak Rock LLP, as Bond Counsel, will render its opinion as to the validity of the 2014 Bonds and the treatment of interest thereon for

purposes of federal and State income taxation. See Appendix D - Form of Bond Counsel Opinion. Butler Snow LLP is acting as special counsel to the City in connection with this Official Statement. Certain matters will be passed upon for the City by the City Attorney.

Certain Constitutional Limitations

General. At the general election on November 3, 1992, the voters of Colorado approved Article X, Section 20 of the Colorado Constitution ("TABOR"). In general, TABOR restricts the ability of the State and local governments to increase revenues and spending, to impose taxes, and to issue debt and certain other types of obligations without voter approval. TABOR generally applies to the State and all local governments, including the City ("local governments"), but does not apply to "enterprises," defined as government-owned businesses authorized to issue revenue bonds and receiving under 10% of annual revenue in grants from all state and local governments combined.

Some provisions of TABOR are unclear and will require further judicial interpretation. No representation can be made as to the overall impact of TABOR on the future activities of the City, including its ability to generate sufficient revenues for its general operations, to undertake additional programs or to engage in any subsequent financing activities.

Voter Approval Requirements and Limitations on Taxes, Spending, Revenues, and Borrowing. TABOR requires voter approval in advance for: (a) any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase, extension of an expiring tax, or a tax policy change causing a net tax revenue gain; (b) any increase in a local government's spending from one year to the next in excess of the limitations described below; (c) any increase in the real property tax revenues of a local government from one year to the next in excess of the limitations described below; or (d) creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever, subject to certain exceptions such as the refinancing of obligations at a lower interest rate. The 2014 Bonds issued for the Project are issued pursuant to voter approval received at the Election.

TABOR limits increases in government spending and property tax revenues to, generally, the rate of inflation and a local growth factor which is based upon, for school districts, the percentage change in enrollment from year to year, and for non-school districts, the actual value of new construction in the local government. Unless voter approval is received as described above, revenues collected in excess of these permitted spending limitations must be rebated. Debt service, however, including the debt service on the 2014 Bonds, can be paid without regard to any spending limits, assuming revenues are available to do so.

At the November 2, 1993 election, City voters authorized the City to collect, retain, and expend without regard to the revenue and limitations imposed by TABOR, the full proceeds of the City's sales and use tax, admission tax, accommodations tax, and non-federal grants. At the November 8, 1994 election, City voters approved an increase in the City's trash tax and an education excise tax and allowed the City to collect and spend the full proceeds of such taxes and any interest thereon.

At the November 5, 1996 election, City voters authorized the City to remove TABOR restrictions on all revenues (except property tax) and expenditures of the City, and authorized the collect, retention and expenditures of all revenues of the City free from current

revenue and expenditure limitations and from any limitations that may be enacted in the future without the amendment of the City's Charter by the electors of the City.

In addition, at the November 4, 2008 election, the City voters authorized the City to remove TABOR restrictions on property tax revenues collected above the limits imposed by TABOR. The election specified that retention above TABOR limits will not rise more than .5 mills annually for tax collection years 2009 and beyond up to the maximum allowable level of property taxes and that any tax monies that are collected above those that the City may retain will be credited to property owners as an offset against the subsequent year's taxes.

Emergency Reserve Funds. TABOR also requires local governments to establish emergency reserve funds. The reserve fund must consist of at least 3% of fiscal year spending. TABOR allows local governments to impose emergency taxes (other than property taxes) if certain conditions are met. Local governments are not allowed to use emergency reserves or taxes to compensate for economic conditions, revenue shortfalls, or local government salary or benefit increases. The City has set aside emergency reserves as required by TABOR.

Other Limitations. TABOR also prohibits new or increased real property transfer tax rates and local government income taxes. TABOR allows local governments to enact exemptions and credits to reduce or end business personal property taxes; provided, however, the local governments' spending is reduced by the amount saved by such action. With the exception of K-12 public education and federal programs, TABOR also allows local governments (subject to certain notice and phase-out requirements) to reduce or end subsidies to any program delegated for administration by the general assembly; provided, however, the local governments' spending is reduced by the amount saved by such action.

Police Power

The obligations of the City are subject to the reasonable exercise in the future by the State and its governmental bodies of the police power inherent in the sovereignty of the State and to the exercise by the United States of America of the powers delegated to it by the Federal Constitution, including bankruptcy.

INDEPENDENT AUDITORS

The financial statements of the City, included in this Official Statement as Appendix A have been audited by BKD LLP, Certified Public Accountants and Advisors, Denver, Colorado, independent auditors, as stated in their report appearing therein.

FINANCIAL ADVISOR

Piper Jaffray & Co. is acting as financial advisor to the City in connection with the issuance of the 2014 Bonds.

RATINGS

Standard & Poor's Rating Services, a Standard & Poor's Financial Services LLC business ("S&P") and Moody's Investors Service ("Moody's") have assigned the 2014 Bonds the ratings shown on the cover page of this Official Statement. An explanation of the

significance of any S&P ratings may be obtained from S&P at 55 Water Street, New York, New York 10041. An explanation of the significance of any Moody's ratings may be obtained from Moody's at 7 World Trade Center at 250 Greenwich Street, New York, New York 10007.

Such ratings reflect only the views of the rating agencies, and there is no assurance that the ratings will be obtained or will continue for any given period of time or that the ratings will not be revised downward or withdrawn entirely by the applicable rating agency if, in its judgment, circumstances so warrant. Any such downward revision or withdrawal of such ratings may have an adverse effect on the market price of the 2014 Bonds. Other than the City's obligations under the Disclosure Undertaking, neither the City nor the Financial Advisor has undertaken any responsibility to bring to the attention of the owners of the 2014 Bonds any proposed change in or withdrawal of such rating once received or to oppose any such proposed revision.

PUBLIC SALE

The City expects to offer the 2014 Bonds at public sale on _____, 2014. See the Notice of Public Sale dated _____, 2014.

OFFICIAL STATEMENT CERTIFICATION

The preparation of this Official Statement and its distribution have been authorized by the City Council. This Official Statement is hereby duly approved by the City Council as of the date on the cover page hereof.

CITY OF BOULDER, COLORADO

By: _____
Mayor

APPENDIX A

AUDITED BASIC FINANCIAL STATEMENTS OF THE CITY AS OF AND FOR THE FISCAL YEAR ENDED DECEMBER 31, 2013

NOTE: The audited basic financial statements of the City for the year ended December 31, 2013, have been excerpted from the City's Comprehensive Annual Financial Report for that year. Combining and individual fund financial statements, the introductory section and statistical tables for the year ended December 31, 2013, were purposely excluded from this Appendix A. Such statements provide supporting details and are not necessary for a fair presentation of the general purpose financial statement of the City.

APPENDIX B

BOOK-ENTRY ONLY SYSTEM

DTC will act as securities depository for the 2014 Bonds. The 2014 Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be issued for each maturity of the 2014 Bonds, in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of 2014 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the 2014 Bonds on DTC's records. The ownership interest of each actual purchaser of each 2014 Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the 2014 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in 2014 Bonds, except in the event that use of the book-entry system for the 2014 Bonds is discontinued.

To facilitate subsequent transfers, all 2014 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of 2014 Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the 2014 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such 2014 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect

Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of 2014 Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the 2014 Bonds, such as redemptions, tenders, defaults, and proposed amendments to the 2014 Bond documents. For example, Beneficial Owners of 2014 Bonds may wish to ascertain that the nominee holding the 2014 Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the 2014 Bonds are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the 2014 Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts 2014 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, interest and redemption proceeds on the 2014 Bonds will be made to Cede& Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or the Paying Agent on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal, interest or redemption proceeds to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the 2014 Bonds at any time by giving reasonable notice to the City or the Registrar and Paying Agent. Under such circumstances, in the event that a successor depository is not obtained, 2014 Bond certificates are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, 2014 Bond certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

APPENDIX C

FORM OF CONTINUING DISCLOSURE UNDERTAKING

This Continuing Disclosure Undertaking (this "Agreement") is executed and delivered by the City of Boulder, Colorado (the "City") in connection with the issuance of $_____ aggregate principal amount of the City of Boulder, Colorado, Open Space Acquisition Bonds, Series 2014 (the "Bonds"). The Bonds are being issued pursuant to an Ordinance of the City dated as of September 2, 2014 (the "Ordinance").

In consideration of the issuance of the Bonds by the City and the purchase of such Bonds by the owners thereof, the City hereby covenants and agrees as follows:

Section 1. Purpose of this Agreement. This Agreement is executed and delivered by the City as of the date set forth below, for the benefit of the holders and owners (the "Bondholders") of the Bonds and in order to assist the Participating Underwriter (as defined below) in complying with the requirements of the Rule (as defined below). The City represents that it will be the only obligated person (as defined in the Rule) with respect to the Bonds at the time the Bonds are delivered to the Participating Underwriter and that no other person is expected to become an obligated person at any time after the issuance of the Bonds.

Section 2. Definitions. The terms set forth below shall have the following meanings in this Agreement, unless the context clearly otherwise requires.

"*Annual Financial Information*" means the financial information and operating data described in Exhibit I.

"*Annual Financial Information Disclosure*" means the dissemination of disclosure concerning Annual Financial Information and the dissemination of the Audited Financial Statements as set forth in Section 4.

"*Audited Financial Statements*" means the City's annual financial statements, prepared in accordance with GAAP for governmental units as prescribed by GASB, which financial statements shall have been audited by such auditor as shall be then required or permitted by the Charter, and as described in Exhibit I hereto.

"*Commission*" means the Securities and Exchange Commission.

"*Dissemination Agent*" means any agent designated as such in writing by the City and which has filed with the City a written acceptance of such designation, and such agent's successors and assigns.

"*EMMA*" means the Electronic Municipal Market Access facility for municipal securities disclosure of the MSRB.

"*Exchange Act*" means the Securities Exchange Act of 1934, as amended.

"*Material Event*" means the occurrence of any of the events with respect to the Bonds set forth in Exhibit II.

"*Material Events Disclosure*" means dissemination of a notice of a Material Event as set forth in Section 5.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Participating Underwriter*" means each broker, dealer or municipal securities dealer acting as an underwriter in any primary offering of the Bonds.

"*Prescribed Form*" means, with regard to the filing of Annual Financial Information, Audited Financial Statements and notices of Material Events with the MSRB at *www.emma.msrb.org* (or such other address or addresses as the MSRB may from time to time specify), such electronic format, accompanied by such identifying information, as shall have been prescribed by the MSRB and which shall be in effect on the date of filing of such information.

"*Rule*" means Rule 15c2 12 adopted by the Commission under the Exchange Act, as the same may be amended from time to time.

"*State*" means the State of Colorado.

"*Undertaking*" means the obligations of the City pursuant to Sections 4 and 5.

Section 3. CUSIP Number/Final Official Statement. The CUSIP Number of the Bonds is _____. The final Official Statement relating to the Bonds is dated _____, 2014 (the "Final Official Statement").

Section 4. Annual Financial Information Disclosure. Subject to Section 9 of this Agreement, the City hereby covenants that it will disseminate the Annual Financial Information and the Audited Financial Statements (in the form and by the dates set forth below and in Exhibit I) by delivering such Annual Financial Information and the Audited Financial Statements to the MSRB within 210 days of the completion of the City's fiscal year.

The City is required to deliver such information in Prescribed Form and by such time so that such entities receive the information by the dates specified.

If any part of the Annual Financial Information can no longer be generated because the operations to which it is related have been materially changed or discontinued, the City will disseminate a statement to such effect as part of its Annual Financial Information for the year in which such event first occurs.

If any amendment is made to this Agreement, the Annual Financial Information for the year in which such amendment is made (or in any notice or supplement provided to the MSRB) shall contain a narrative description of the reasons for such amendment and its impact on the type of information being provided.

Section 5. Material Events Disclosure. Subject to Section 9 of this Agreement, the City hereby covenants that it will disseminate in a timely manner, not in excess of 10 business days after the occurrence of the event, Material Events Disclosure to the MSRB in Prescribed Form. Notwithstanding the foregoing, notice of optional or unscheduled redemption of any Bonds or defeasance of any Bonds need not be given under this Agreement any earlier than the notice (if any) of such redemption or defeasance is given to the owners of the Bonds pursuant to the Ordinance. From and after the Effective Date, the City is required to deliver such Material Events Disclosure in the same manner as provided by Section 4 of this Agreement.

Section 6. Duty To Update EMMA/MSRB. The City shall determine, in the manner it deems appropriate, whether there has occurred a change in the MSRB's e-mail address or filing procedures and requirements under EMMA each time it is required to file information with the MSRB.

Section 7. Consequences of Failure of the City To Provide Information. The City shall give notice in a timely manner, not in excess of 10 business days after the occurrence of the event, to the MSRB in Prescribed Form of any failure to provide Annual Financial Information Disclosure when the same is due hereunder.

In the event of a failure of the City to comply with any provision of this Agreement, the Bondholder of any Bond may seek specific performance by court order to cause the City to comply with its obligations under this Agreement. A default under this Agreement shall not be deemed an Event of Default under the Ordinance or the Agreement or any other agreement, and the sole remedy under this Agreement in the event of any failure of the City to comply with this Agreement shall be an action to compel performance.

Section 8. Amendments; Waiver. Notwithstanding any other provision of this Agreement, the City may amend this Agreement, and any provision of this Agreement may be waived, if:

(i) The amendment or waiver is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the City or type of business conducted;

(ii) This Agreement, as amended, or the provision, as waived, would have complied with the requirements of the Rule at the time of the primary offering, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

(iii) The amendment or waiver does not materially impair the interests of the Bondholders of the Bonds, as determined either by parties unaffiliated with the City or by an approving vote of the Bondholders of the Bonds holding a majority of the aggregate principal amount of the Bonds (excluding Bonds held by or on behalf of the City or its affiliates) pursuant to the terms of the Ordinance at the time of the amendment; or

(iv) The amendment or waiver is otherwise permitted by the Rule.

Section 9. Termination of Undertaking. The Undertaking of the City shall be terminated hereunder when the City shall no longer have any legal liability for any obligation on or relating to the repayment of the Bonds. The City shall give notice to the MSRB in a timely manner and in Prescribed Form if this Section is applicable.

Section 10. Dissemination Agent. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Agreement, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent.

Section 11. Additional Information. Nothing in this Agreement shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Agreement or any other means of communication, or including any other information in any Annual Financial Information Disclosure or notice of occurrence of a Material Event, in addition to that which is required by this Agreement. If the City chooses to include any information from any document or notice of occurrence of a Material Event in addition to that which is specifically required by this Agreement, the City shall not have any obligation under this Agreement to update such information or include it in any future disclosure or notice of the occurrence of a Material Event.

Section 12. Beneficiaries. This Agreement has been executed in order to assist the Participating Underwriter in complying with the Rule; however, this Agreement shall inure solely to the benefit of the City, the Dissemination Agent, if any, and the Bondholders of the Bonds, and shall create no rights in any other person or entity.

Section 13. Recordkeeping. The City shall maintain records of all Annual Financial Information Disclosure and Material Events Disclosure, including the content of such disclosure, the names of the entities with whom such disclosure was filed and the date of filing such disclosure.

Section 14. Past Compliance. The City represents that it has complied with the requirements of each continuing disclosure undertaking entered into by it pursuant to the Rule in connection with previous financings to which the Rule was applicable.

Section 15. Assignment. The City shall not transfer its obligations under the Financing Agreement unless the transferee agrees to assume all obligations of the City under this Agreement or to execute a continuing disclosure undertaking under the Rule.

Section 16. Governing Law. This Agreement shall be governed by the laws of the State.

[Signature on Following Page]

CITY OF BOULDER, COLORADO

By _____
Chief Financial Officer

Dated: _____, 2014

EXHIBIT I

ANNUAL FINANCIAL INFORMATION AND TIMING AND AUDITED FINANCIAL STATEMENTS

"*Annual Financial Information*" means financial information and operating data exclusive of Audited Financial Statements as set forth below of the type appearing or incorporated by reference under Tables _____and _____ of the Final Official Statement.

All or a portion of the Annual Financial Information and the Audited Financial Statements as set forth below may be included by reference to other documents which have been submitted to the MSRB or filed with the Commission. The City shall clearly identify each such item of information included by reference.

Annual Financial Information will be provided to the MSRB within 210 days after the last day of the City's fiscal year. Audited Financial Statements as described below should be filed at the same time as the Annual Financial Information. If Audited Financial Statements are not available when the Annual Financial Information is filed, unaudited financial statements shall be included, and Audited Financial Statements will be provided to the MSRB within 10 business days after availability to the City.

Audited Financial Statements will be prepared in accordance with generally accepted accounting principles in the United States as in effect from time to time.

If any change is made to the Annual Financial Information as permitted by Section 4 of the Agreement, including for this purpose a change made to the fiscal year-end of the City, the City will disseminate a notice to the MSRB of such change in Prescribed Form as required by such Section 4.

EXHIBIT II

EVENTS WITH RESPECT TO THE BONDS FOR WHICH MATERIAL EVENTS DISCLOSURE IS REQUIRED

1. Principal and interest payment delinquencies

2. Nonpayment-related defaults, if material

3. Unscheduled draws on debt service reserves reflecting financial difficulties

4. Unscheduled draws on credit enhancements reflecting financial difficulties

5. Substitution of credit or liquidity providers, or their failure to perform

6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security

7. Modifications to rights of security holders, if material

8. Bond calls, if material, and tender offers

9. Defeasances

10. Release, substitution or sale of property securing repayment of the securities, if material

11. Rating changes

12. Bankruptcy, insolvency, receivership or similar event of the City *

13. The consummation of a merger, consolidation or acquisition involving the City or the sale of all or substantially all of the assets of the City other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material

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* This event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material

APPENDIX D

FORM OF BOND COUNSEL OPINION

_____, 2014

$_____
City of Boulder, Colorado
Open Space Acquisition Bonds
Series 2014

We have examined the Charter of the City of Boulder, Colorado (the "City"), in the County of Boulder and the State of Colorado (the "State"), and a certified copy of the transcript of proceedings of the City relating to the issuance by the City of its Open Space Acquisition Bonds, Series 2014 (the "2014 Bonds"). The 2014 Bonds are executed and delivered in the aggregate principal amount of $_____ and are dated, bear interest at the rates and mature on the dates provided in the Ordinance (as defined below). The 2014 Bonds are executed and delivered solely as fully registered bonds in the denomination of $5,000 or any integral multiple thereof. The 2014 Bonds are subject to redemption prior to maturity in the manner and upon the terms set forth therein and in the Ordinance (defined below).

The 2014 Bonds have been issued under and pursuant to the Constitution and laws of the State, including particularly the Charter of the City, the City's Resolution adopted on August 19, 2014 authorizing the sale of the 2014 Bonds (the "Resolution") and an emergency ordinance finally adopted by the City on September 2, 2014 (the "Ordinance"), for the purpose of providing funds to (a) acquire open space real property or interests therein and (b) pay all necessary, incidental and appurtenant expenses in connection therewith, including the costs of issuance of the 2014 Bonds.

In our opinion, the proceedings show lawful authority for the issuance of the 2014 Bonds. The Ordinance and the Resolution have been duly adopted by the City Council of the City and are in full force and effect in the forms in which finally adopted as of the date hereof.

We have also examined an executed form of bond of said issue of 2014 Bonds and have found it to be in proper form and executed by the proper officers of the City. In our opinion, based upon our examination as set forth above, the 2014 Bonds constitute valid and legally binding special obligations of the City enforceable in accordance with their terms, payable, as to principal and interest, out of the Net Pledged Revenues (as defined in the Ordinance) which the City has irrevocably (but not exclusively) pledged for such payment. Other obligations are presently outstanding and additional obligations may be issued in the future which are or may be secured by a parity or subordinate lien on the Net Pledged Revenues. The 2014 Bonds are additionally secured by a pledge of the full faith and credit of the City.

The obligations of the City contained in the Ordinance may be subject to general principles of equity which may permit the exercise of judicial discretion, are subject to the reasonable exercise in the future by the State and its governmental bodies of the police power

inherent in the sovereignty of the State and its governmental bodies of the police power inherent in the sovereignty of the State, are subject to the provisions of applicable bankruptcy, insolvency, reorganization, moratorium or similar laws relating to or affecting creditors' rights generally, and are subject to the exercise by the United States of America of the powers delegated to it by the federal constitution.

It is also our opinion that under existing laws, regulations, rulings and judicial decisions, and assuming the accuracy of certain representations and continuing compliance with certain covenants, interest on the 2014 Bonds is excludable from gross income for federal income tax purposes, and is not a specific preference item for purposes of the federal alternative minimum tax. We note, however, that interest on the 2014 Bonds is taken into account in determining adjusted current earnings for purposes of the federal alternative minimum tax imposed on corporations (as defined for federal income tax purposes).

It is also opinion that interest on the 2014 Bonds is not subject to State income taxation or included in the calculation of alternative minimum taxable income for purposes of the State alternative minimum tax.

The accrual or receipt of interest on the 2014 Bonds may otherwise affect the federal income tax liability of the recipient. The extent of these other tax consequences will depend upon the recipient's particular tax status or other items of income or deduction. We express no opinion regarding any such consequences.

The opinions expressed above are based upon existing legislation as of the date thereof, and we express no opinion as of any date subsequent hereto or with respect to any pending legislation.

Respectfully,

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Consideration of a motion to approve Resolution No. 1140 delegating the City Manager to sign documents to authorize the City to receive FEMA Hazard Mitigation grant money.

PRESENTER/S
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Officer
Cheryl Pattelli, Director of Finance
Joel Wagner, Special Assistant to the Finance Department / City Manager's Office

EXECUTIVE SUMMARY
The passage of this resolution will allow the City Manager for the City of Boulder, Colorado to sign documents, or delegate a signee, to authorize the city to receive grant money from the Colorado Division of Homeland Security and Emergency Management's Hazard Mitigation grant application.

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 to allow the City Manager for the City of Boulder, Colorado to execute, on behalf of the City of Boulder, Colorado, all forms and documents necessary to apply for and receive financial assistance through the Hazard Mitigation Grant Program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

The passage of a designation of agent resolution has no economic, environmental or social impact on residents of the City of Boulder.

If the grant applications that require this designation are approved, critical infrastructure facilities would have reliable backup generators in the event of an emergency that can cause loss of power. These generators would allow the city to provide essential services and emergency response in the event of snow, flood, and wildfires which threaten community safety.

OTHER IMPACTS

If the grant applications that require this designation are approved, the city's one-time cost share would total $37,000 (as described below).

BOARD AND COMMISSION FEEDBACK

There has been no request for Boards and Commissions feedback for this resolution.

PUBLIC FEEDBACK

There has been no request for public feedback for this resolution.

BACKGROUND AND ANALYSIS

The City of Boulder has been invited to apply for two emergency generator projects under FEMA's Hazard Mitigation Grant Program (HMGP). The FEMA HMGP is distinct from the Public Assistance Grant (which is intended to assist with flood recovery and repair). This is a competitive grant program for communities affected by presidentially declared disasters.

The City of Boulder submitted seven Notices of Intent (NOIs) for projects including: a property acquisition project, a forest ecosystem management plan, a streambank restoration project, and four generator installation projects. The city was invited to apply for two of the generator projects that met the program's criteria and priorities. These projects are:

1. Replacement of an outdated emergency backup generator for the city's fleet services facility; and,
2. Installation of an emergency backup generator for the city's new wildland fire station, which is being constructed using funds from the 2011 voter-approved Capital Improvement Bond

HMGP funding provides 75% of the total project cost, with the remaining 25% "local match" provided by the grantee. The cost breakdown for the two applications is as follows:

Project	Total Project Cost	FEMA Share	Local Match	Source of Local Match
Fleet Services Generator	$100,000	$75,000	$25,000	Fleet Facility Renovation & Repair
Wildland Fire Station Generator	$48,000	$36,000	$12,000	Facility Renovation & Repair
Total	**$148,000**	**$111,000**	**$37,000**	

The cost of the Fleet Services Generator is not included in the 2014 budget. If the grant is awarded, Facilities & Asset Management (FAM) will request budget at the next Adjustment to Base to complete this project. If the grant is not awarded, FAM will continue with the current generator until it is determined that a replacement is critical.

The full cost of the Wildland Fire Generator is included in the approved project budget. Whether or not the HMGP grant is awarded, work will proceed on this project.

This resolution is required to assign an authorized agent who can enter into a grant agreement on behalf of the City of Boulder in the event that the grant applications are approved.

If this action is not approved, FEMA will not consider the grant applications for funding.

ATTACHMENTS
A: Resolution 1140
B: Designation of Agent Resolution form

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RESOLUTION NO. 1140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, DESIGNATING JANE S. BRAUTIGAM, THE CITY MANAGER, AS THE PERSON AUTHORIZED TO EXECUTE DOCUMENTS ON BEHALF OF THE CITY TO APPLY FOR AND ACCEPT FINANCIAL ASSISTANCE THROUGH THE HAZARD MITIGATION GRANT PROGRAM (HMGP) UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (PUBLIC LAW 93-288 AS AMENDED)

WHEREAS, the City of Boulder is a home rule city duly organized and existing pursuant to the constitution and laws of Colorado; and

WHEREAS, the City Council of the City is the governing body of the City; and

WHEREAS, this resolution is to respond to the request of the Colorado Department of Homeland Security and Emergency Management (DHSEM) for the City Council to designate, by resolution, the person authorized to sign documents that authorize the City to apply for and receive this financial assistance.

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

Section 1. ***Designation of City Manager***. The City Council designates Jane S. Brautigam, City Manager, to execute, on behalf of the City of Boulder, Colorado, all forms and documents necessary to apply for and receive financial assistance through the Hazard Mitigation Grant Program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended).

Section 2. ***Delegation by City Manager.*** The City Manager may designate this authorization to any city employee as allowed by the Boulder Revised Code.

Section 3. ***Confirmation of Prior Acts***. All prior acts and doings of the officials, agents and employees of the City which are in conformity with the purpose and intent of this Resolution, and in furtherance of the Project, shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 4. ***Effective Date of Resolution***. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at a regular meeting this 19th day of August, 2014.

CITY OF BOULDER, COLORADO

_____

Mayor

[SEAL]

Attest:

_____

Clerk

DESIGNATION OF AGENT RESOLUTION

BE IT RESOLVED_____ **OF** _____
(Governing Body) **(Public Entity)**

THAT _____, _____
(Name) **(Title)**

is hereby authorized to execute for and in behalf of

_____,

a public entity established under the laws of the State of Colorado, all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program (HMGP) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended)

Passed and approved this _____ day of _____, 20_____.

CERTIFICATION

I, _____, duly appointed and _____
(Name) (Title)

of _____, do hereby certify that the above is a true and correct copy of
(Public Entity)

a resolution passed and approved by the _____
(Governing Body)

of _____ on the _____ day of _____ 20___.

_____ _____ _____
(Signature) (Official Position) (Date)

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Consideration of a Motion to Approve Resolution No. 1141 Assigning the City of Boulder's 2014 Private Activity Bond Allocation to Boulder Housing Partners to be Issued to Element Properties

PRESENTER/S:

Jane S. Brautigam, City Manager
David Driskell, Interim Director of Housing
Jeff Yegian, Housing Division Manager
Erin Poe, Assistant City Attorney
Kristin Hyser, Community Investment Program Manager

EXECUTIVE SUMMARY

Through the State of Colorado, the city has the authority to issue tax exempt bonds for privately funded development activities. The city receives an annual allocation of Private Activity Bonds (PAB) that it can issue to financially support affordable housing and economic development activities. The 2014 PAB allocation will be $5,039,100. City action is required to assign the 2014 PAB allocation to Boulder Housing Partners (BHP) which will issue the PAB to Element Properties to facilitate the development of 3155 Bluff located in Boulder Junction to create permanently affordable rental housing. No higher priority uses have been determined for the 2014 PAB allocation and the Technical Review Group (TRG) and staff recommends this action.

STAFF RECOMMENDATION

Staff recommends City Council approve the assignment of the 2014 PAB allocation in the amount of $5,039,100 to BHP which will issue the bonds to Element Properties to facilitate the development of 3155 Bluff to create permanently affordable rental housing by approving the attached resolution and assignment of allocation (Attachment A).

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 the assignment to the Housing Authority of the City of Boulder (d/b/a Boulder Housing Partners) of all of the City of Boulder's 2014 Private Activity Bond volume cap allocation from the State ceiling for Private Activity Bonds; and to authorize

the city manager to execute all documents required to complete the assignment.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Projects financed using PAB generate local economic activity including new income, jobs and tax revenues.
- Environmental –Element Properties is striving to achieve a LEED ND-Platinum certification in the PAB-financed development of 3155 Bluff.
- Social – The use of PAB in development financing reduces borrowing costs allowing the developer to provide more and higher-quality affordable rental housing serving low income residents of Boulder.

OTHER IMPACTS

- Staff time - Administration of the PABs is in the Division of Housing's 2014 work plan.

BACKGROUND

Through the State of Colorado PAB program, the city receives an annual allocation of PAB to be used for specific purposes including affordable housing and economic development activities.

Each year the city has four options on how to utilize the direct PAB allocation:

- Issue the PAB for an eligible purpose by the end of the year; or,
- Assign PAB to another issuer for eligible purpose by September 15; or,
- Carry-forward the bond cap for eligible purpose to close within a three year period; or,
- Relinquish PAB to statewide balance.

Historically the city of Boulder has utilized its PAB allocation to support affordable rental housing, often with BHP as the issuing entity (an eligible issuer as a Housing Authority).

PAB are not a direct obligation of the municipality and no tax money or other municipal revenues are pledged for their retirement. The project sponsor pays the principal and interest on the bonds and there is no recourse to the city in the event of default. Since the interest on the bonds is exempt from federal income taxes, the sponsor benefits from a lower interest rate than other traditional forms of financing. In the event the bonding capacity is unused, it will expire with no cost or consequence to the city.

ANALYSIS

Staff is seeking approval from City Council to assign the 2014 PAB allocation in the amount of $5,039,100 to BHP (an eligible issuer) which will issue the PAB to Element Properties. The PAB will provide the financing necessary to develop 3155 Bluff Street as part of the redevelopment of Boulder Junction. The financing will specifically support the development of 45 units of affordable rental housing at 3155 Bluff Street. The city previously provided Element Properties $2.4 million loan to acquire the parcel to be forgiven when the units are produced.

The city and Element Properties share the goal to redevelop Boulder Junction into a robust destination, featuring a mix of uses (residential, office, commercial, active green space), incomes (market and affordable) and tenures (rental and ownership). To meet this goal, Element Properties is working to combine three currently owned properties, 3085, 3155 and 3195 Bluff Street, to create a development site featuring a mix of affordable and market rate units. The combined properties will offer rental and home ownership opportunities including 45 permanently

affordable rental units serving workforce and family households. The $5,039,100 in PAB will serve as the primary debt to finance the development of the site. Using PABs enables Element Properties to receive non-competitive 4% low-income housing tax credits and other soft funds to provide additional equity for these projects. If the funds are not utilized for the intended use the assignment agreement with BHP will allow them to use the bonds for an alternative city-approved project as long as it shares the same purpose of creating multifamily housing. If in the event the PABs are not utilized, the bonds will expire within three years of being carried forward with no penalty to the municipality or its partners.

ATTACHMENTS

Attachment A: Proposed Resolution for the 2014 PAB Allocation
Attachment B: Proposed Assignment of the 2014 PAB Allocation

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RESOLUTION NO. 1141

APPROVING THE ASSIGNMENT TO THE HOUSING AUTHORITY OF THE CITY OF BOULDER, COLORADO, D/B/A BOULDER HOUSING PARTNERS OF ALL OF THE CITY OF BOULDER'S 2014 PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, the City of Boulder, Colorado (the "City") is authorized by the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes, as amended (the "Act"), the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes, as amended (the "Supplemental Act") and its home rule charter (the "Charter"), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, the City has been awarded on January 1, 2014 $5,039,100 (the "2014 Allocation") of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds to finance projects under the Act; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between "issuing authorities" (as defined in the Act) of the State; and

WHEREAS, the City desires to assign and transfer to The Housing Authority of the City of Boulder, Colorado, d/b/a Boulder Housing Partners (the "Assignee") all of the City's 2014 Allocation, which the City and the Assignee will commit and reserve for the issuance of such private activity bonds, to finance "projects" under the Act; and

WHEREAS, the City and the Assignee intend that the 2014 Allocation be utilized for a proposed multifamily project to be located at 3155 Bluff Street, Boulder, Colorado, or for such other project that is acceptable to the City and the Assignee (the "Project"); and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the City of an Assignment, dated as of August 1, 2014 (the "Assignment"), by and between the City and the Assignee; and

WHEREAS, the Assignee proposes to issue its housing revenue bonds pursuant to the Housing Authorities Law, Section 29-4-101, et seq., Colorado Revised Statutes, as amended (the "Housing Authority Act") and the Supplemental Act (the "Bonds") to finance "projects" under the Act (the "Project");

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

Section 1. In order to finance the Project, the City hereby (i) assigns and transfers to the Assignee an amount equal to all of the City's 2014 Allocation and (ii) approves, and authorizes and directs the City Manager of the City to sign and deliver and the City Clerk to attest and deliver, the Assignment in substantially the form presented to the City Council. A copy of the proposed Assignment is on file in the office of the City Clerk and is available for inspection by the public.

Section 2. The City Manager hereby is authorized and directed to execute and deliver the Assignment, with such technical variations, additions, or deletions therein as the City Manager may deem necessary or appropriate and not inconsistent with the approval thereof by this Resolution.

Section 3. The officers of the City shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this Resolution and the Assignment.

Section 4. All actions not inconsistent with the provisions of this Resolution heretofore taken by the City Council and the officers of the City directed toward the assignment of the 2014 Allocation and the authorization of the Assignment hereby are ratified, approved, and confirmed.

Section 5. Nothing contained in this Resolution or the Assignment shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the City within the meaning of the Constitution or statutes of the State or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

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

Section 7. This Resolution shall take effect immediately upon its introduction and passage.

INTRODUCED, READ, PASSED AND ADOPTED this___ day of August, 2014.

CITY OF BOULDER, COLORADO

_____
Mayor

[SEAL]

ATTEST:

_____
City Clerk

ASSIGNMENT

THIS ASSIGNMENT (the "Assignment"), dated this 1st day of August, 2014, is by and between the **CITY OF BOULDER, COLORADO**, a home rule city, municipal corporation and political subdivision of the State of Colorado (the "Assignor"), and **THE HOUSING AUTHORITY OF THE CITY OF BOULDER, COLORADO, D/B/A BOULDER HOUSING PARTNERS**, a body corporate and politic (the "Assignee");

W I T N E S S E T H :

WHEREAS, the Assignor has been awarded $5,039,100 (the "2014 Allocation") of private activity bond volume cap allocation for the State of Colorado (the "State") and its issuing authorities (the "State Ceiling") computed under Section 146(d) of the Internal Revenue Code of 1986, as amended (the "Code"), and under the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds; and

WHEREAS, subject to the terms and conditions set forth herein, the Assignor desires to assign to the Assignee, and the Assignee desires to accept all of the Assignor's 2014 Allocation, which the Assignor has committed and reserved for the issuance of such private activity bonds; and

WHEREAS, the private activity bonds will be issued by the Assignee pursuant to the Housing Authorities Law, Section 29-4-101, et seq., Colorado Revised Statutes, as amended (the "Housing Authority Act"), and the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, Colorado Revised Statutes, as amended (the "Supplemental Act"), and such bonds will be used only for "projects" as described in the Act; and

WHEREAS, the Assignor and the Assignee intend that the 2014 Allocation be utilized for a proposed multifamily project to be located at 3155 Bluff Street, Boulder, Colorado, or such other project that is acceptable to the Assignor and the Assignee (the "Project");

NOW THEREFORE, in exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Section 1. The Assignor hereby assigns and transfers to the Assignee all of the Assignor's 2014 Allocation. The Assignee agrees to use all of the Assignor's 2014 Allocation only for the Project. In addition, the Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all of the Assignor's 2014 Allocation as an allocation for a project with a carryforward purpose, thus avoiding reversion of such 2014 Allocation to the statewide balance under the Allocation Act, or to assign, only upon the receipt of the prior written consent of the Assignor, such 2014 Allocation or a portion thereof to another Assignee.

Section 2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

Section 3. The Assignee hereby accepts the assignment of all of the Assignor's 2014 Allocation from the State Ceiling described above, subject to the terms and conditions contained herein.

Section 4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Agreement, including but not limited to the Assignee filing on or prior to February 15, 2015, an IRS Form 8328 "Carryforward Election of Unused Private Activity Bond Volume Cap" with respect to all of the Assignor's 2014 Allocation.

Section 5. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

CITY OF BOULDER, COLORADO, as Assignor

By _____
Its: City Manager

[SEAL]

ATTEST:

_____
Its: City Clerk on behalf of the Director of Finance and Record

APPROVED AS TO FORM:

_____
City Attorney

THE HOUSING AUTHORITY OF THE CITY OF BOULDER, COLORADO, D/B/A/ BOULDER HOUSING PARTNERS, as Assignee

By _____
Its: Executive Director

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE

Introduction, first reading and consideration of a motion to adopt Emergency Ordinance No. 7988 adopting Supplement No. 120, which codifies previously adopted Ordinance Nos. 7968, 7969, 7970, 7971, and 7974, as an amendment to the Boulder Revised Code, 1981.

PRESENTER:
Office of the City Attorney
Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY:

The Boulder Revised Code ("B.R.C. 1981") is the official book of laws of the City of Boulder. Four times a year (quarterly), the City Council is asked to adopt supplements to the B.R.C. 1981. An ordinance format is used to bring ordinances that the City Council adopted in the prior quarter into the B.R.C. 1981, and to ensure that there is no question regarding what constitutes the official laws of the City of Boulder. These supplement ordinances are approved as a matter of routine by the City Council.

In order to generate the printed supplements to the B.R.C. as soon as possible, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

The text of Supplement No. 120 has been previously adopted by the following ordinances:

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.

7969 AN ORDINANCE AMENDING TITLE 11, "UTILITIES AND AIRPORT," B.R.C. 1981, BY THE ADDITION OF A NEW CHAPTER 7, "LIGHT AND POWER UTILITY;" AMENDING CHAPTER 2-3, "BOARDS AND COMMISSIONS," B.R.C. 1981, BY THE ADDITION OF A NEW SECTION RELATED TO THE CREATION OF AN ELECTRIC UTILITY BOARD; AND SETTING FORTH RELATED DETAILS.

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.

7971 AN ORDINANCE REGARDING MOBILE FOOD VEHICLE SALES, AMENDING SECTION 9-6-5, "TEMPORARY LODGING, DINING, ENTERTAINMENT, AND CULTURAL USES," B.R.C. 1981, BY INCREASING THE NUMBER OF MOBILE FOOD VEHICLES ALLOWED ON PRIVATE PROPERTY IN DESIGNATED ZONE DISTRICTS, AND SETTING FORTH RELATED DETAILS.

7974 AN EMERGENCY ORDINANCE AMENDING SECTION 5-3-6, "USE OF FIGHTING WORDS," B.R.C. 1981, ADDING A REQUIREMENT THAT THE BEHAVIOR BE REPEATED AND THAT THE DEFENDANT ACT WITH AN INTENT TO HARASS, ALARM OR ANNOY, AND SETTING FORTH RELATED DETAILS.

FISCAL IMPACTS;

Budgetary: None

Staff Time: None beyond the time always allocated to code maintenance in the City Attorney's overall work plan.

Economic: None

COUNCIL FILTER IMPACTS:

Ongoing code maintenance is an essential and largely administrative obligation of the city.

STAFF RECOMMENDATION:

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

Motion to adopt Emergency Ordinance No. 7988 regarding Supplement No.120.

DISCUSSION:

This supplement includes ordinances that have been adopted by the City Council in the last supplement quarter. They are added to the official version of the B.R.C. 1981 by way of the attached supplement ordinance. The City Council adopts a quarterly supplement ordinance to ensure that a clearly identifiable version of the Boulder Revised Code is legislatively adopted.

The printed supplements to the B.R.C. may not be distributed until the proposed adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible, therefore, council is asked to adopt the proposed ordinance at first reading as an emergency measure.

ATTACHMENT:

A - Proposed Emergency Ordinance No. 7988

ORDINANCE NO. 7988

AN EMERGENCY ORDINANCE ADOPTING SUPPLEMENT NO. 120, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 7968, 7969, 7970, 7971, AND 7974, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Legislative Findings.

A. Supplement No. 120 amending the Boulder Revised Code 1981 ("B.R.C.") has been printed.

B. The City Council intends that this supplement be codified and published as a part of the B.R.C.

C. Supplement No. 120 to the B.R.C. is a part of this ordinance and contains all of the amendments to the B.R.C. enacted by the City Council in Ordinance Nos. 7968, 7969, 7970, 7971, and 7974. The City Council intends to adopt this supplement as an amendment to the B.R.C.

D. The ordinances contained in Supplement No. 120 are available in printed copy to each member of the City Council of the City of Boulder, Colorado, and the published text of the supplement, along with the text of this ordinance, is available for public inspection and acquisition in the office of the city clerk of the City of Boulder, in the Municipal Building, 1777 Broadway, Boulder, Colorado.

Section 2. The City Council adopts Supplement No. 120 by this reference.

Section 3. The City Council orders that a copy of Supplement No. 120 as proposed for adoption by reference herein be on file in the office of the city clerk of the City of Boulder, Colorado, Municipal Building, 1777 Broadway, City of Boulder, Boulder County, Colorado, and may be inspected by any person at any time during regular business hours pending of the adoption of this ordinance.

Section 4. The annotations, source notes, codifier's notes, and other editorial matter included in the printed B.R.C. are not part of the legislative text. These editorial provisions are provided to give the public additional information for added convenience. No implication or presumption of a legislative construction is to be drawn from these materials.

Section 5. The B.R.C., or any chapter or section of it, may be proved by a copy certified by the city clerk of the City of Boulder, under seal of the city; or, when printed in book or pamphlet form and purporting to be printed by authority of the city. It shall be received in evidence in all courts without further proof of the existence and regularity of the enactment of any particular ordinance of the B.R.C.

Section 6. These provisions of the B.R.C. shall be given effect and interpreted as though a continuation of prior laws and not as new enactments.

Section 7. Unless expressly provided otherwise, any violation of the provisions of the B.R.C., as supplemented herein, shall be punishable by a fine of not more than one thousand dollars or incarceration for not more than ninety days in jail, or by both such fine and incarceration, as provided in section 5-2-4, "General Penalties," B.R.C. 1981.

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

Section 9. The printed supplements cannot be distributed until the adopting ordinance is effective. The laws of the city should be current and available to the residents of the City of Boulder as soon as possible. On that basis, this ordinance is declared to be an emergency measure and shall be in full force and effect upon its final passage.

READ ON FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August 2014.

_____
Mayor

Attest:

_____
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE:
Introduction, first reading and consideration of a motion to order published by title only an ordinance amending the 9th and Canyon Urban Renewal Plan in order to facilitate a civic use.

Presentation of a Letter of Intent between the city of Boulder, the Central Area General Improvement District (CAGID) and St. Julien Partners LLC regarding the development of the civic use pad.

PRESENTER/S
Jane S. Brautigam, City Manager
David Driskell, Executive Director, Community Planning and Sustainability
Molly M. Winter, Director, Downtown & University Hill Management Division/Parking Services
David Gehr, Deputy City Attorney
Sam Assefa, Senior Urban Design, Community Planning and Sustainability
Liz Hanson, Economic Vitality Coordinator, Community Planning and Sustainability

EXECUTIVE SUMMARY

The purpose of this agenda item is to present items regarding the development of the civic use pad adjacent to the St. Julien Hotel: 1) first reading of an ordinance amending the 9th and Canyon Urban Renewal Plan (URP) (**ATTACHMENT A**), 2) and the proposed Letter of Intent (LOI) with St. Julien Partners (**ATTACHMENT B**). These documents facilitate the implementation of the URP's civic use requirement through a proposal to develop a public private partnership between the city and the St. Julien Hotel for a facility at the pad adjacent to the St. Julien Hotel. The proposal is a building including a first floor multi-use space and rooftop terrace accessible to community and civic groups, and additional hotel facilities connected to the existing building. The

concept was developed by the Civic Use Task Force IV (CUTF IV) and St. Julien Hotel, and supported by City Council at their Study Session in January 2014.

URP Modifications

The URP modifications provide greater flexibility and consist of the following amendments which are highlighted:

III. DEVELOPMENT PLAN

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

1. *Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy ~~a minimum of~~ up to 20% of the gross floor area developed in the project area pursuant to a plan , agreement, or other arrangement approved by the city.*

E. PUBLIC IMPROVEMENTS

2. Land Utilization
The current floor area ratio (FAR) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an FAR below 0.49. Implementation of this Plan will result in an FAR ~~of approximately 1.50~~ that does not exceed the amount permitted by the underlying zoning.

The modifications are unanimously supported by the Boulder Urban Renewal Board (BURA), the Boulder Planning Board and the Downtown Management Commission (DMC). The modifications to the plan are generic and are not specific to this proposal.

Letter of Intent

Simultaneously, a draft Letter of Intent (LOI) between the city, CAGID and St Julien is being proposed which outlines the responsibilities and expectations of the parties and the next steps in the development of the civic use concept prior to entering into a final management agreement which would be approved by the City Council. The City Council will be asked to consider a motion, concurrent with the second reading of the urban renewal plan amendment, to authorize the city manager to enter into the LOI on behalf of the City and CAGID.

STAFF RECOMMENDATION

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

Introduce at first reading and order published by title only an ordinance amending the 9th and Canyon Urban Renewal Plan as presented in **ATTACHMENT A** of this memorandum.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: A multi-purpose civic use space will provide the opportunity for additional events, performances, meetings and conferences bringing new visitors to Boulder.
- Social: A civic use on this site will provide access to a multi-purpose space that will be available to a variety of civic and community users.

OTHER IMPACTS

Fiscal - Budgetary impacts to the city organization:
The civic use multi-purpose space is proposed to be built and managed by the St. Julien pursuant to a management agreement approved by City Council. Staff will be exploring financing mechanisms to subsidize the costs of the space in order to be accessible to community and civic organizations.

BOARD AND COMMISSION FEEDBACK

- At their July 21, 2014 meeting, the Boulder Urban Renewal Board (BURA) supported the staff recommendation regarding the Urban Renewal Plan modification with an amendment of the Section III.E.2 removing the phrase "…appropriately utilizes the land and…" since it would provide more flexibility and the language did not provide enough detail to be helpful in implementing the objective of the plan modification.

- At their July 31, 2014 meeting, the Planning Board voted unanimously in support of the staff recommendation finding the modifications to the two sections of the 9th and Canyon Urban Renewal Plan – sections III.B.1 and III.E.2 – including the amendment of BURA, as a whole, confirm to the general plan for the development of the municipality of the city which is the Boulder Valley Comprehensive Plan. They also passed the following motion to recommend that City Council ensure that this space is available and welcoming all members of the community, including the low income community and minority community, and that City Council look at different rate structures to accomplish that.

- At their August 4, 2014 meeting, the Downtown Management Commission (DMC) voted unanimously to support the staff recommendation to amend the city ordinance modifying the 9th and Canyon Urban Renewal Plan as proposed and the draft Letter of Intent with St. Julien Partners LLC.

PUBLIC FEEDBACK

At the DMC meeting, a resident of the Arrete adjacent to the civic use pad requested consideration of the treatment of the east wall of the future facility to accommodate the existing patios.

BACKGROUND

Urban Renewal Plan

The city of Boulder has undertaken only two urban renewal projects: the redevelopment of Crossroads Mall in the early 1980's and the 9th and Canyon redevelopment. An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses. (**ATTACHMENT C**)

9th & Canyon Hotel and Parking Garage

The two property owners on the 9th and Canyon site – St. Julien Partners and the downtown parking district, Central Area General Improvement District (CAGID) - entered into a 9th and Canyon Condominium Association and built the project that exists today. The underground CAGID parking garage opened in November 2004 and the St. Julien Hotel opened in February 2005. Incorporated in the mixed use project is an 11,000 square foot pad east of the hotel constructed with a concrete structural deck capable of supporting a building ("the civic use pad").

Major requirements of the URP plan were addressed with the project construction: the hotel is located on Walnut Street, open space was created on Canyon, a pedestrian walkway connects Pearl Street and the Civic Area, all the parking is underground and a pad east of the hotel was designated for a future civic use. Tax increment financing was used for the public parking. The remaining requirement for 20% civic use has yet to be accomplished.

Efforts to Put the Civic Use Pad to Productive Use

The civic use component of the project first came under consideration in 1998 when a citizen task force comprised of city board, downtown and community members was appointed to review submitted proposals and make a recommendation to City Council. The civic use criteria approved by the City Council in 1998, and currently applicable to the civic use pad, are:

- Financial ability to construct and/or operate and maintain a use over time.
- Acceptance as civic use defined by attraction/benefit to the cultural or scientific or educational or entertainment or artistic or humanistic or civic life of the community.
- Compatibility to the other urban renewal site uses, i.e. the hotel, the parking garage and open space.

- Enhancement to the vitality of the downtown by generating interest in coming downtown, diversifying the downtown experience for citizens, visitors and downtown users or complementing other downtown uses.

Subsequently, three different task forces have sought solutions and approaches to achieve a civic use on the site, but without success. These first three task forces considered a wide variety of ideas and formal proposals including location for the Depot, a children's museum and community dance facility, the Boulder History Museum, a 5,000 square foot performance venue, a community dance facility with hotel meeting space, and the entry of a conference facility connected to buildings to the east.

In February 2000, Planning Board approved a Site Review Amendment to approve a building on the civic use pad to house the Collage Children's Museum and the Village Arts Coalition dance organization. Due to financial challenges, this approved civic use building was not constructed.

Civic Use Task Force IV – Recommendation

In 2009, City Manager Jane Brautigam appointed a 4th Civic Use Task Force (CUTF IV) with the charge to:

- Assess the challenges that have been identified through past efforts and make recommendations that would increase the likelihood of a successful endeavor;
- Review the civic use criteria to ensure they reflect the current city priorities and goals and needs of the community; and
- Assist in the development of a proposal solicitation strategy and process.

The members of the CUTF IV are:

- Boulder City Council Members Mary Young, George Karakehian and Lisa Morzel;
- Michael Smith, the Boulder Arts Commission;
- Susan Connelly, Boulder Convention and Visitors Bureau Advisory Board and former member of the Boulder Urban Renewal Authority and vice chair of the task force;
- Fern O'Brien, Downtown Boulder Business Improvement District;
- Matt McMullen, Downtown Management Commission and chair of the task force;
- Josie Heath representing non-profits;
- Wendy Reynolds representing the financial sector;
- Cindy Carlisle representing the community sector.
- Bruce Porcelli from the St. Julien was invited to join the task force in May 2012.
- City Council members KC Becker and Suzanne Jones served on the task force in the past.

The CUTF IV conducted a thorough and comprehensive investigation of the challenges, options and possibilities presented by the civic use requirement. Please see **ATTACHMENT C** for a summary of their efforts and accomplishments.

In the opinion of the Task Force and staff, after the exhaustive 15 year process of exploring civic use options, a collaborative partnership with St. Julien represents the most workable, exciting and viable path to achieving the requirement for civic use set out in the 9th and Canyon Urban Renewal Plan.

The concept for the collaborative partnership proposes a facility on the civic use pad built and owned by St. Julien including 8,000 square feet of first floor, multi-use space for shared hotel and "civic use" on the first floor, upper floors of hotel uses, and a multi-purpose roof deck. The multi-use space is envisioned to be flexible and accommodate a variety of uses including performances and exhibits, meetings, banquet events and conferences. Incorporated in the vision is a potential pedestrian connection across Canyon Boulevard to a future cultural facility at the current main library location. (**ATTACHMENT C**) The plans for the St. Julien civic use pad will be coordinated with the Civic Area Plan in order to maximize the synergy between redeveloped public facilities.

The civic use multi-purpose space is proposed to be built and managed by the St. Julien pursuant to a management agreement approved by City Council. Staff will be exploring financing mechanisms to subsidize the costs of the space in order to be accessible to community and civic organizations.

The civic use pad is owned as a limited common element of the Hotel. The original agreement in the condominium declaration included a provision that if an acceptable civic use was not established on the property on or before Jan. 1, 2020, that the owner of the hotel would have the right to convert the civic use site from a limited common element to another unit or to reallocate the civic use site to another use on the site. In other words, the civic use pad can be put to other purposes determined by its owner, St. Julien, under the terms of the condominium declaration after Jan. 1, 2020.

The CUTF IV and staff are formally exploring a collaborative partnership to understand its constraints, challenges, opportunities, benefits and issues of the concept. The areas for further analysis, study, potential change and negotiation include: existing legal agreements associated with the site including the Urban Renewal Plan and Condominium Association; planning and zoning regulations; building design and compatibility with the hotel and garage; financing; lease and user options to support civic use of the event space and multi-purpose roof deck for the community; and the negotiations with St Julien to define the facility management and parameters of the public/private partnership. The final development and management agreement will be negotiated and purposed to City Council for their final approval.

ANALYSIS

BURA Analysis

There are two types of plan modifications under the urban renewal statute: substantial modifications and modifications. The proposed changes fall into the modification category and can be approved as part of simple three step process outlined below. The proposed modifications addressing the amount of civic use on the site and the project FAR are generic changes and are not specific to the current proposal.

The Colorado urban renewal law provides a process for changing urban renewal plans that do not constitute a substantial modification of the plan. See section 31-25-107, C.R.S. This process was followed with the original plan approval in 1988 and its modification in 1995.

The process includes the following steps.

1. A change to a plan is initiated by the Urban Renewal Authority. The Urban Renewal Authority approves the plan, which leads to the next two steps in the process.

2. The statute requires the plan amendment be referred to the Planning Board. The Planning Board is required to review and make recommendation to the city council as to whether the modifications conformance with the "general development plan" for development of the city as a whole. Boulder's "general development plan" is the Boulder Valley comprehensive plan.

3. The City Council will consider the modification to the Plan after a considering the recommendation of the Planning Board and the Approval of BURA.

The Boulder Urban Renewal Board (BURA) unanimously approved the modification to the plan at its meeting on July 21, 2014. BURA supported the concept of providing some flexibility in the URP while not tying the result to a specific plan. BURA modified the staff proposed language with the following change to Section III.E.2: removal of the text "appropriately utilizes the land and." The approved language reads: "……will result in an FAR that does not exceed the amount permitted by the underlying zoning." It was noted that the language did not provide enough detail to be helpful in implementing the objective of the modification to the plan.

Staff supports the amendment made by BURA at their meeting on July 21st. Removing the phrase "appropriately utilizes the land" in section III.E.2 does not change the intent of the section; it was a reference to an earlier sentence: "The City of Boulder Planning Department's criteria for "significantly underutilized" land in downtown is a FAR below .49" All current planning and zoning regulations regarding use would apply to this proposal so the term "appropriately utilizes the land" is not necessary.

Boulder Valley Comprehensive Plan Analysis

CP&S staff reviewed the proposed URP changes, Section III.B.1 regarding the amount of civic use required as part of the development and Section III.E.2 which would align the amount of floor area ratio (FAR) allowed with existing zoning standards in the downtown for this site, within the context of compliance to the Boulder Valley Comprehensive Plan (BVCP) (**ATTACHMENT D**)

The first modification to the URP, Section III.B.1, adds the following language:

> "pursuant to a plan, agreement or other arrangement approved by the city, allows the flexibility to modify the 20% of the gross square footage of development (which translates to 37,000 square feet) for civic use."

As past experience has shown since the initial efforts began in 1998, it has been difficult to find the organizations or entities to construct and operate a stand-alone building. The new language allows BURA and the City Council more latitude to approve a project that meets the civic use guidelines, is feasible financially and meets community needs and benefit.

The modification to Section III.E.2 (as modified by BURA) includes the addition of the following language,

> "that does not exceed the amount permitted by underlying zoning"

The existing language of the urban renewal plan simply has a declaratory statement of the size of the project. This modification is a clarification that it is the intent of the URP that the site be developed in a manner that is consistent with the underlying zoning.

The language aligns the floor area ration (FAR) with the existing DT-5 zoning district in the Land Use Code which is intended for "higher intensity uses" and an area where the city has anticipated the highest potential for redevelopment. Any development review application for the civic use pad will be required to meet the requirements of the underlying zoning. "land use and zoning regulations . . . are developed and amended to be consistent with the goals and policies of the Comprehensive Plan. BVCP, p. 7.

The proposed use of the site to create a facility with both civic and hotel uses on the civic use pad adjacent to the St. Julien Hotel is consistent with the "Regional Business" definition of the BVCP, in that the area is intended for "major" retail and offices "serving the entire Boulder Valley". The definition also indicates the city's expectation that such areas will continue to be redeveloped and a dominant focus for major business activities in the region.

Based on this analysis, staff finds that the proposed modifications to the URP are in compliance with the BVCP. Planning Board unanimously confirmed that recommendation at their meeting on July 31, 2014.

Letter of Intent Analysis

The Letter of Intent between St. Julien Partners LLC, City Council and CAGID sets forth the basic understandings concerning the implementation of the URP as modified to allow for the public private partnership and proposed facility. The LOI does not represent a commitment but rather serves as a basis to identify the fundamental issues necessary to proceed to a subsequent agreement and approvals.

The following key responsibilities and expectations are outlined in the LOI:

- St. Julien will finance and construct the building on the Civic Use Pad. St. Julien will be responsible for the design and all development review and construction documents.
- Potential contributions to the project and civic use subsidy will be reviewed and discussed prior to the final management agreement.
- Civic use space is defined as a first floor events space and rooftop deck area that will be available for use by community members and visitors through rental by civic groups and non-profit organizations.
- The project is intended to meet the civic use requirements of the 9th and Canyon Urban Renewal Plan.
- St. Julien with construct three floors of ancillary and compatible use connected to the existing hotel.
- A process will be developed for the design of the space in order to optimize its use for a wide range of events including performances and art events. Consideration will be given to integrate a potential pedestrian bridge over Canyon Boulevard. The city and St. Julien will reach out to local civic users to understand their space needs and requirements. Also, the parties will consider the potential of incorporating a portion of the underground garage for mechanical and storage needs.
- A management agreement will be developed that will set forth the standards under which the events space and roof top deck will be operated including:
    - The event space will be used in a manner to be cost neutral to St. Julien.
    - An approved list of qualified outside caterers will be developed.
    - Scheduling method will be developed.
    - Determination by the city for the creation of a civic benefits subsidies in order to make the space affordable for local non-profit or civic groups.
- Identify amendments to other agreements such as the 9th and Canyon Condominium Association and/ or easements.

At the conclusion of the LOI, should the parties wish to proceed to a permanent arrangement, a management agreement will be developed, reviewed by the Civic Use Task Force IV, DMC and will be presented for approved by City Council.

Overall Project Analysis

Please see **ATTACHMENT E** for a thorough analysis of the site's context within the Civic Area Plan (CAP), civic space utilization survey of community organizations, potential building mass feasibility study, preliminary planning and zoning issues and necessary legal agreements.

NEXT STEPS

The ordinance will return to City Council for second reading on September 16 along with a motion to authorize the city manager to sign a letter of intent between the City, CAGID and St. Julien Partners LLC for the consideration of implementing the civic use portion of the 9th and Canyon Urban Renewal Plan.

ATTACHMENTS

A: Ordinance Modifying the 9th and Canyon Urban Renewal Plan
B: Letter of Intent with the City of Boulder, CAGID and St. Julien Partners LLC for the development of the civic use pad
C: 9th and Canyon Urban Renewal Plan
D: Community Planning & Sustainability Staff Memo regarding compliance to the Boulder Valley Comprehensive Plan
E: City Council Study Session Memorandum January 2014

ORDINANCE NO. 7989

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN FOR THE NINTH STREET AND CANYON BOULEVARD PROJECT AREA; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS AND RECITES:

A. The city council has adopted the "Boulder Urban Renewal Plan, Ninth and Canyon" (hereinafter called the "Plan") effective October 5, 1988 pursuant to Ordinance No 5133 and modified the Urban Renewal Plan in 1995 pursuant to Ordinance No. 5714.

B. The 1995 Urban Renewal Plan amended the 1988 Urban Renewal Plan by replacing it.

C. The city council has determined that certain modifications to the land use, design, building requirements, and procedures are appropriate to update the Plan based upon current city purposes and desires.

D. The Plan modifications have been approved by the Board of Commissioners of the Boulder Urban Renewal Authority.

E. Planning Board reviewed the proposed modifications and determined that such modifications conform with the Boulder Valley Comprehensive Plan, as amended.

F. The city council has held a public hearing for the proposed plan modifications, providing a full opportunity for all residents and taxpayers of the city and other interested persons to be heard.

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

Section 1. The revised plan, with the changes shown in Section 2 below for the project area, having been duly reviewed and considered is hereby approved.

Section 2. The following provisions of the Urban Renewal Plan, adopted as an exhibit in Ordinance No. 5717 are amended to read:

III. DEVELOPMENT PLAN

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

1. Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy ~~a minimum of~~ up to 20% of the gross floor area developed in the project area pursuant to a plan , agreement, or other arrangement approved by the city.

2. If a viable project is not in the process of approval or development prior to April 18, 1998, the City Council shall consider reopening this urban renewal plan to permit alternative land uses.

. . .

E. PUBLIC IMPROVEMENTS

. . .

2. Land Utilization

The current floor area ratio (FAR) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an FAR below 0.49. Implementation of this Plan will result in an FAR ~~of approximately 1.50~~ that does not exceed the amount permitted by the underlying zoning.

Section 3. City Council has considered the proposed modifications set forth in this ordinance, and finds and determines that such modifications do not constitute modifications that will substantially change the urban renewal plan in land area, land use, design, building requirements, timing or procedure, as previously approved. The city council finds that the changes proposed in this plan are not substantial modifications to the Urban Renewal Plan pursuant to the

provisions of section 31-25-107, C.R.S. Accordingly, such modifications to the Plan may be approved and incorporated into the Plan by adoption of this ordinance.

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. For the purposes of complying with the requirements of the modification standards of the Colorado Urban Renewal Law, the ordinance shall also be considered as a resolution of the Boulder City Council.

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 ___day of _____, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this ___day of _____, 2014.

_____
Mayor

Attest:

_____
City Clerk

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DRAFT: August 12, 2014

C I T Y O F B O U L D E R, C O L O R A D O

Municipal Building
1777 Broadway
Post Office Box 791
Boulder, Colorado 80306
Telephone (303) 441-3020
Facsimile (303) 441-3859

DRAFT LETTER OF INTENT

City of Boulder,
Central Area General Improvement District, and
St Julien Partners LLC

July 31, 2014

Re: Letter of Intent ("LOI") regarding the responsibilities of the St Julien Partners LLC ("St Julien"), Central Area General Improvement District, and the City of Boulder for the development of the civic use pad.

BACKGROUND

A. The Ninth and Canyon Hotel and Parking Condominium (the "Project") is a multi-use development that incorporates the combination of hotel and ancillary hotel services. The Project also includes a major parking facility for the Central Area General Improvement District (CAGID).

B. The Project was developed in a manner that is generally consistent with the Boulder Urban Renewal: Ninth & Canyon - 1995 revised plan (the "Urban Renewal Plan").

C. The Urban Renewal Plan envisioned a development to be built on property owned by CAGID at Ninth Ave and Walnut Street generally located in the northern portions of Block 45, of the West Boulder plat and property owned by St. Julien that is generally located on the southern portions of Blocks 44 and 45 of the West Boulder plat. The two properties were combined and a hotel was constructed that fronts on Walnut Ave and parking constructed below grade under both properties.

D. The urban renewal plan anticipated that a minimum of 20% of the gross floor area developed in the project area would be civic uses. The civic use component envisioned under the Urban Renewal Plan has not been constructed yet. Numerous task force committees were formed over the years with both citizen volunteers and City representatives to address the implementation of the civic use portion with the conclusion that the civic use component as envisioned by the Urban Renewal Plan is not commercially and/or financially feasible as defined. The Civic Use Task Force IV ("CUTF IV") made the recommendation to the City

Council (and such recommendation was accepted) to modify the concept to allow for civic uses in conjunction with commercial uses.

E. This LOI is written to inform the intention of the parties, St Julien, CAGID, and the City, subject to the assumptions and provisions stated within. St Julien intends to design, construct, maintain, own and operate the civic use component of the building (the "Facility"). The Facility will be a part of the Project and is intended to meet the civic use requirement of the urban renewal plan. It is anticipated that assistance and/or coordination by CAGID and/or the City will be an integral part of the Project.

F. As used in this LOI, when the term “civic use space” is used, it is intended to describe a first floor event space and rooftop deck area over all or a portion of the new building on the civic use pad that will be available for use by community members and visitors through rental of space by civic groups and not-for-profit organizations. It is anticipated the civic use space will be used for meetings, celebrations, exhibits, fund raising events and art exhibits.

G. The Facility will be constructed on the Civic Use pad and will be maintained by St Julien.

RESPONSIBILITIES AND NEXT STEPS

1. **Purpose.** Each party acknowledges that this letter is a good faith effort to set forth some of the basic understandings concerning the implementation of the urban renewal plan, as modified to allow the Facility. An assortment of decisions, reviews, and approvals are necessary for any of the terms within to be completed. The Parties state that no commitment should be assumed until all such approvals are obtained and necessary agreements completed. This letter serves as the basis to identify the fundamental issues underlying the subsequent approvals and agreements.

2. **Project Concept.** St Julien will provide specific benefit anticipated in the urban renewal plan through the creation of the first floor event space, and possibly a rooftop deck that may be used by the community as well.

a. St Julien will finance and construct the building on the Civic Use Pad and any cost contribution/civic use subsidy by the City and/or CAGID will be identified during this process.

b. The event space and the rooftop deck will be available for use by community members and visitors through rental of space by civic groups and not-for-profit organizations. It is anticipated the civic use space will be used for meetings, celebrations, exhibits, fund raising events and art exhibits.

c. Above the first floor event space, St Julien will construct three (3) floors of an ancillary and compatible use connected at each level to the existing hotel. .

3. **Design of the Space.** The **parties** will develop the process for the design of the space so that it will meet the purposes of carrying out this memorandum.

a. The City and St Julien will reach out to local civic users to understand the space needs and the requirements of such groups for meeting or event space. The Parties will agree on a process to engage the civic community in the design approval process for the civic use space. [add time and parameters as needed.]

b. The parties intend to design space in order to optimize its use for a wide range of events including performances and arts events, as well as others..

c. The first floor will be designed with transparent window and door openings in the event space on the south side of the building and to the west (to the extent possible) to provide for views to the west and south.

d. Consideration will be given to the integration of design for the potential of adding a pedestrian bridge over Canyon Boulevard, although the actual design of such a bridge is a future effort.

e. The building will be designed, if deemed feasible through the design process as to architectural constraints and commercial functionality, with an outdoor roof top area that will be available for use by community members and visitors through rental of space by civic groups and not-for-profit organizations.

4. Regulatory Approvals. The Parties anticipate that the following regulatory approvals will need to occur to accommodate the project.

a. Amend Urban Renewal Plan. The Parties will cooperatively seek to amend the Urban Renewal plan and change those portions necessary to make the vision of the Urban Renewal plan consistent with this Letter of Intent, including without limitation amending the civic use floor area requirement and to make the general floor area regulations in the Urban Renewal Plan to be consistent with the underlying zoning.

b. Development Review Approvals. St Julien will be responsible for preparing and submitting the applications that may be necessary for concept review, site review, or use review that may be required by the Boulder Revised Code.

c. Technical Documents, Building Permits, Construction and Inspection. St Julien will be responsible for preparing and submitting the applications necessary for constructing the project, including without limitation, technical documents, building permits, and inspection reports that may be necessary for the construction of the Facility.

d. Business Licenses. The St Julien will be responsible for seeking approval of the necessary business licenses for the use and rental of the event space and the roof top deck, including without limitation assistance with the coordination of any appropriate liquor licenses for events catered by third parties. The parties intend that the event space and outdoor deck will be used by community groups in a manner that does not violate any regulatory approvals.

5. **Agreements.** The Parties anticipate that the following Agreements will need to be developed to implement this Letter of Intent.

a. Management Agreement. CAGID, the City, and St. Julien will enter into a management agreement which will set forth the standards under which the event space and roof top deck will be operated. The Parties will analyze the needs and criteria for the management of the civic use spaces. The management agreement will include the standards and criteria for the management of the event space, including without limitation the following:

i. A statement of the intent of the event space will be that it can be used by local not-for-profit groups or other civic groups at a reduced rate (e.g. to be defined in discussions with local civic users). The event space will be used in a manner so as to at least be cost neutral to St Julien (e.g. to be defined to cover basic utilities, maintenance and repairs, etc).

ii. The Parties will develop a list of qualified caterers that will be eligible to provide service to entities that will use the event space. St Julien will be an authorized caterer for the space.

iii. The Parties will develop a method for scheduling the space. It is anticipated that there will be an opportunity to schedule events approximately one year in advance of the activity. After local not-for-profit and civic groups have had an opportunity to schedule events, St Julien will be able to schedule the space for other groups as part of the overall marketing efforts of the hotel.

iv. The City will consider and analyze options for the creation of civic benefits subsidies that will be intended to make the use of the space affordable for local not-for-profit or civic groups.

b. Condominium Agreement. The Parties will review and amend the Condominium Declaration for the Ninth and Canyon Hotel and Parking Condominium and associated agreements to insure that those agreements are consistent with this letter of intent.

c. Easements. The Parties will review existing easements, and modify them as necessary to permit the construction of the project, including the easements in the alignment of 10th Street and any access easements, rights, or agreements associated with a pedestrian bridge over Canyon Boulevard to the Library Building or other civic space or building that may be constructed in the future.

Parking Garage Storage Area. The Parties acknowledge that the needs of mechanical and/or event space storage will likely necessitate the creation of additional space below the pad (e.g. mezzanine to the existing garage) and may encroach on existing garage storage space. Final agreement with CAGID, the owner of the garage parking unit, will be part of the management agreement.

6. Miscellaneous

a. The Parties intend to support such other agreements and approval between and among each other, and BURA. The parties also support the idea that the application will be required to demonstrate compliance with local building and zoning laws. Under no circumstances will CAGID, Julien, or the City be represented as partners or joint venturers with each other in any way which would impute liability from one party to the other.

[Note: addressed above?]

b. This LOI will not be construed as creating any obligations, contractual or otherwise, on the part of the Parties until the Parties have executed the subsequent agreements. Actions taken by any of the Parties, including but not limited to expenditure of funds, incurring or canceling other commitments or acts taken to implement any of the provisions of this LOI, will not be construed as part of the performance of the terms and conditions contained herein, nor will the party taking such action be regarded as having changed its position in reasonable reliance on the terms and conditions contained herein, so as to give rise to a claim of promissory estoppel or other equitable claims.

Sincerely,

The Parties.

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Boulder Urban Renewal Plan

Ninth & Canyon

1995 Revised Plan

Adopted:

Boulder Urban Renewal Authority, April 6, 1995

Boulder Planning Board, May 11, 1995

Boulder City Council, July 11, 1995

Boulder Urban Renewal Authority

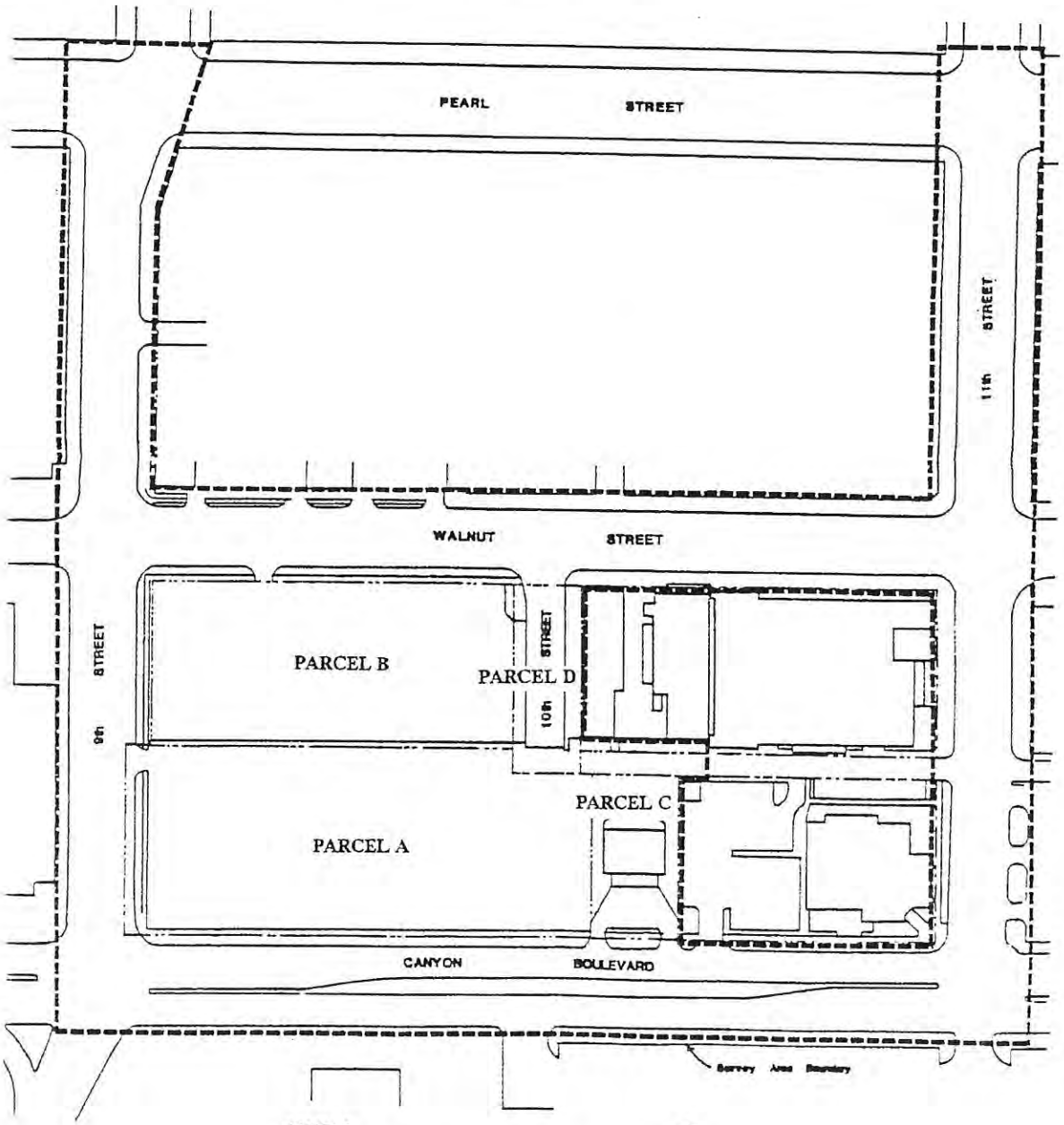
I. INTRODUCTION

A. PREFACE

This plan has been prepared by the Boulder Urban Renewal Authority pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, C.R.S. The administration of this project and the enforcement of this plan, including the preparation and execution of any documents implementing it, shall be the responsibility of the Boulder Urban Renewal Authority.

B. PROJECT AREA BOUNDARIES

The boundaries of the project area are illustrated on the following map:



BURA
BOULDER URBAN RENEWAL AUTHORITY
SURVEY OF 9TH STREET AND CANYON BOULEVARD SITE

The project area boundaries are described as follows:

Beginning at a point that is the intersection of the southerly ROW line of Canyon Boulevard, and the westerly ROW line of 9th Street; then northwesterly along the westerly ROW line of 9th Street, to a point that is the intersection of the westerly ROW line of 9th Street , and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 9th Street;

Then southeasterly along the easterly ROW line of 9th Street, to a point that is the intersection of the easterly ROW line of 9th Street, and the northerly ROW line of Walnut Street;

Then northeasterly along the northerly ROW line of Walnut Street, to a point that is the intersection of the northerly ROW line of Walnut Street, and the westerly ROW line of 11th Street;

Then northwesterly along the westerly ROW line of 11th Street, to a point that is the intersection of the westerly ROW line of 11th Street, and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 11th Street;

Then southeasterly along the easterly ROW line of 11th Street, to a point that is the intersection of the easterly ROW line of 11th Street, and the southerly ROW line of Canyon Boulevard;

Then southwesterly along the southerly ROW line of Canyon Boulevard to the point of beginning.

Excepting the following:

All of Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, and 12, Block 44, Boulder Plat (Original Town);

The easterly 25 feet of Lot A, Block 44, Boulder Plat (Original Town);

The easterly 10 feet of 10th Street, vacated by City Ordinance 3010;

All that portion of the improved alley that is located in Block 44, Boulder Plat (Original Town).

C. PROJECT PURPOSES

An Urban Renewal Plan for the Ninth and Canyon site in downtown Boulder has been developed to achieve the following purposes:

1. To implement the Boulder Valley Comprehensive Plan.

2. To eliminate existing conditions in the Urban Renewal Area that are detrimental to the project area, adjacent neighborhoods and facilities, and to the City as a whole.

3. To redevelop and rehabilitate the area in a manner which is compatible with and complementary to existing development and uses in the general area, and to provide an improvements framework which is based on community-wide goals and values.

4. Through redevelopment, contribute to a sustainable downtown Boulder community and economy.

5. To facilitate the redevelopment of the area by private enterprise by cooperating with other public bodies to provide needed infrastructure improvements.

6. To effectively utilize undeveloped and underdeveloped land.

II. URBAN RENEWAL ELIGIBILITY

A. GENERAL AREA DESCRIPTION

The project area is located on the western portion of the block bounded by 9th Street, Canyon Boulevard, Walnut Street and 11th Street. It is comprised of four parcels totaling 2.89 acres in area. Parcel A, owned as of April 1995 by St. Julien Partners located in Boulder, Colorado, is an unpaved, unimproved lot. Parcel B is a paved public parking lot owned by the Central Area General Improvement District (CAGID). Parcel C, also owned by St. Julien Partners, contains the only built improvement in the area, the old Chamber of Commerce building. Parcel D is comprised wholly of the 10th Street right-of-way.

B. SITE SURVEY CONDITIONS

The following conditions were documented on the site in 1988 and served as the basis for the initiation of the urban renewal planning process:

Environmental Conditions

- The majority of the site is in the 100 year floodplain.
- A portion (approx. 25%) of the site is in the 100 year "floodway".
- Canyon Boulevard is a high noise corridor (61 decibels).
- Site drainage is very poor on the unpaved portions (Parcel A).
- The majority of the site has a very high ground water table.

Site Utilization

- Most of the site is vacant except for parking uses - the overall Floor Area Ratio (F.A.R.) is approximately 0.03. (F.A.R. is the ratio of building size to site size). The City Planning Department's criteria for "significantly underutilized" land in the downtown is a F.A.R. below 0.49.
- Access to and circulation within the site is seriously deficient, particularly for emergency vehicles (mainly fire apparatus).

Traffic/Streets

- The 9th and Canyon intersection is mis-aligned. Southbound 9th Street traffic has difficulty finding the proper 9th Street lane to enter on the south side of Canyon Boulevard.
- Excessive speeds and heavy traffic volumes on 9th Street create pedestrian crossing problems, particularly at Walnut Street.
- The 9th and Canyon intersection had 15 accidents in 1987, tying for 22nd place of all intersections in the City.
- Paving on 10th Street (a public right of way) is seriously deteriorated with sidewalk on one side only.
- Deteriorated curb, gutter and sidewalks occur along Canyon Boulevard, 9th Street and Walnut Street.

Site Improvements

- On-site spot drainage and severe pothole and erosion problems occur on the unpaved portions (Parcel A and alleyways) of the area.
- Landscaping is seriously deficient throughout the area.
- Site lighting is deficient, particularly on Parcel A.
- On-site directional signage is inadequate.
- Driveway and access definition is inadequate.
- Site maintenance is seriously deficient. On-site debris is prevalent.
- Some on-site exterior structures (walls, fences, etc.) are deteriorated.
- Pedestrian and bicycle facilities are almost non-existent.

Utilities

- Water mains are old (25-30 years) and may not meet current standards, but do not present any capacity, pressure, or maintenance problems at this time.

Fire Protection/General Health and Safety

- Fire apparatus access to car fires is very difficult because of the condition of the unpaved parking surface and poor driveway definition.
- Public hydrants are inadequate in terms of number and location.
- It is difficult to access the rear of adjacent buildings.
- Overhead power lines create a hazard for firefighting personnel using highly mechanized equipment.
- Seventeen crimes, mostly automobile related, occurred in the study area between June 1986 to April 1988. This is a relatively high crime rate for a parking lot.

III. DEVELOPMENT PLAN

A. COMPREHENSIVE PLAN AND LOCAL STANDARDS

1. Land Use and Planning Criteria

Determination of land use and densities, major circulation routes, public facilities and planning criteria are based on the Boulder Valley Comprehensive Plan, City Land Use Regulation, Subdivision Ordinance, Building Code and this Urban Renewal Plan.

The Context Guidelines for Project Area Development (Section III, C) and the Project Area Development Guidelines (Section III, D) will be applied by the Authority when providing a recommendation to the Planning Board during the site review process, (B.R.C. 9-4-10). In addition, the Downtown Design Advisory Board (DDAB) or its successor, will review development proposals and will make recommendations to the Authority and Planning Board during the site review process. The guidelines set forth in Section III, C and Section III, D may be waived or modified by the Authority for a specific redevelopment project.

2. Planning Conformance

The Urban Renewal Plan is in conformance with the Boulder Valley Comprehensive Plan in respect to land use and densities, transportation and other public facilities, and meets the intent and goal of the Comprehensive Plan for development which could include opportunities for shopping, support services and public facilities, including parks and other civic uses. Specifically, the Comprehensive Plan's Community Design and Central Area policies state:

Community Design
"New residential, commercial and industrial development and redevelopment shall be encouraged to follow sound and innovative land use planning. The goals are to provide a livable built environment and, through the judicious use of landscaping, materials and human scale, to respect the character of the surrounding area." (p. 8).

Central Area Programs
"The City of Boulder, through the merging of public and private interests, shall seek to retain the Central Area of the Boulder Valley as the primary governmental, cultural, office, financial, entertainment, shopping, medical facility, and high density residential district of the Boulder Valley.

The Downtown shall retain its historic role as the governmental, entertainment, office, and financial center of the Boulder Valley. It shall continue to develop as a specialty retail center. This shall be accomplished by coordinating concerted and comprehensive public policies and investments with private redevelopment and rehabilitation efforts." (p. 139).

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

1. Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy a minimum of 20% of the gross floor area developed in the project area.

2. If a viable project is not in the process of approval or development prior to April 18, 1998, the City Council shall consider reopening this urban renewal plan to permit alternative land uses.

C. CONTEXT GUIDELINES

The Ninth and Canyon project area is located in the Walnut/Canyon corridor of downtown Boulder. Redevelopment efforts during the last twenty years have resulted in an area comprised of office buildings, restaurants, banks and surface parking lots. This corridor, which is located between the historic commercial area and the civic park, has limited retail uses, street life and pedestrian activity. The goal of an enhanced and vital downtown can be promoted with a mix of quality uses and developments that encourage pedestrian activities. These guidelines will set a standard for other redevelopment parcels along the Walnut/Canyon corridor.

The following guidelines establish the Authority's objectives for the redevelopment of the project area. Development proposals will be reviewed according to the guidelines. Such review will be a responsibility of DDAB or its successor, and as such made a part of the site review process identified in the City of Boulder Land Use Regulation. Design integrity will be project specific. Massing, location, character, materials, setbacks, height, circulation, open space and other elements must work in relation to each other and as parts of a whole.

Therefore, the specific definition and application of Section III C and D will vary according to project specific design considerations. The guidelines are not intended as a design checklist. They are intended to suggest the type and range of options requiring serious consideration.

1. Walnut/Canyon Corridor Redevelopment Guidelines

- Retail activity at the street level
- South facing urban open spaces and buildings
- Landscaping along Canyon Boulevard
- Pedestrian access corridors through redevelopment sites
- A gateway element at Ninth and Canyon
- Streetwalls and spaces framed by buildings on Walnut Street
- Open space, building openings, setbacks and orientation which frame the southerly views

2. General Development Guidelines

Regional Access Regional access to the project area is excellent because of its location along Canyon Boulevard. Uses and development which require this type of access should be considered for the project area, with heavy emphasis on transit and alternative modes.

Western Gateway to Downtown The project area is a unique gateway to downtown because of its location on the western edge of the city and within the viewshed of Canyon Boulevard and Boulder Creek. Uses and development can help to identify this gateway with special uses, development and design features. It can also provide an anchor in the western part of downtown and a link to adjacent residential neighborhoods, the civic center and the Boulder Creek corridor.

Downtown and Neighborhood Connections Ninth and Canyon is located close to the Downtown Mall, the Civic Park, the Library, the West Pearl shopping area, other major downtown destinations and residential neighborhoods. Connections to these facilities through the Ninth and Canyon project area are important to reinforce the overall unity of downtown and to promote a pedestrian environment in downtown. In addition, efforts should be made to avoid the negative impacts of vehicular traffic on the core area neighborhoods.

Quality Development The project area is located within the Walnut/Canyon corridor, an area comprised of large banks, mixed use buildings and large surface parking lots. Future downtown development within this corridor should improve the pedestrian and fulltime character of downtown, and encourage a more sustainable utilization of downtown properties. Corridor development should link the Civic Park and Walnut/Canyon corridor with the historic commercial area.

3. Area Development Guidelines

Pedestrian Access Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon. Provide pedestrian access corridors to and through the project area. Maximize use of the 10th street alley, sidewalks, and possible public improvements along Canyon, 9th and Walnut.

Intersections and Entrances Recognize the features and uses which provide a distinctive image at the Ninth and Canyon intersection. Develop compatible intersection features at 9th/Walnut and 10th/Walnut to relate development of the project area to the adjacent neighborhoods. Landscaping, public uses, and building features should reinforce the intersections.

Public Improvements Civic improvements should enhance the functions and image of the project area. These improvements should be considered for the 10th street alley and pedestrian connections across Canyon, 9th and Walnut and the Canyon, 9th, Walnut streetscapes.

Physical Development and Buildings Develop multiple use buildings to provide fulltime activity in the project area. Physical development should reinforce the attributes of the project area and downtown Boulder, incorporating traditional elements that are adaptable to a variety of uses. Provide streetwalls along Walnut Street to enclose and frame public spaces. Upper level stepbacks should be used to minimize street level shadows and pedestrian scale features along the sidewalk.

Open Space Develop usable open spaces. Provide community and neighborhood facilities for sitting, relaxing, community gatherings, and local activities.

D. SITE DEVELOPMENT GUIDELINES

The following guidelines establish the Authority's objectives for the redevelopment of the project area. The guidelines represent a range of development options and are not intended to be a design checklist. A specific project will not necessariiy be required to address or fulfill all of the guidelines.

1. Encourage the development of buildings that provide a mix of uses to provide full time activity within the project area.

   1.1 Encourage a mix of uses on the site with lodging units or civic uses on the upper levels.

   1.2 Respect and enhance the character of the street with small scale pedestrian oriented commercial activities along Walnut and 9th Street.

   1.3 Establish the Ninth and Canyon project area as a community focal place with uses, buildings and improvements that attract community activities and interaction.

   1.4 Encourage secondary special uses, such as educational, recreational, cultural and civic uses, which complement the primary uses of the project area.

   1.5 Develop a building complex to:
   - Reduce the apparent mass and bulk of the building
   - Express the varied uses of the site
   - Reflect the mixed use environment of downtown Boulder

   1.6 No individual project should become an enclave.

   1.7 Accentuate different portions of the buildings with various materials to reflect the different uses and functions of the buildings.

   1.8 Develop public outdoor spaces with uses and functions that will add interest and character to Ninth and Canyon and downtown Boulder.

2. Physical development should reinforce the unique attributes of the site and its relationship to downtown Boulder.

   2.1 Address the potential shade impact to Walnut with elements such as stepping back upper portions of taller buildings, streetscape design, street lighting, building illumination and ice deterrent.

   2.2 Encourage special features to convey a unique development character along Canyon Boulevard and Ninth Street.

   2.3 Provide building elements along Walnut to reinforce the historic commercial and pedestrian character of downtown.

   2.4 Physical development should enhance the downtown identity while creating an individual image at Ninth and Canyon.

2.5 Public interest should be provided by the use of pedestrian scale applications of first story details, facade details, and pedestrian scale features.

2.6 Any parking storage should be compatible with adjacent buildings.

2.7 Establish appropriate streetwalls and building setbacks along 9th Street, Walnut Street, and Canyon Boulevard (streetwalls are buildings which frame street spaces).

3. Establish a physical gateway to downtown Boulder at Ninth and Canyon by developing special features and uses which provides a distinctive image.

3.1 Building setbacks, design, massing, orientation and height should reinforce the significance of the Ninth and Canyon intersection.

3.2 Physical development should reinforce the significance of the Ninth and Canyon intersection.

3.3 The project should provide public art and landscaping at the Ninth and Canyon site to reinforce the Ninth and Canyon intersection. The intersection could be strengthened by establishing design elements common to both Boulder Creek and the project area, and by establishing view corridors from the project area to public art along Boulder Creek.

4. Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon.

4.1 A pedestrian link on the east side of the project area, along the 10th Street alignment should be provided through the site to connect south toward the library, and north toward Pearl Street. This and other pedestrian links should reinforce the downtown grid pattern and provide a more interesting and diverse pedestrian environment within the downtown.

4.2 Pedestrian facilities should link developed uses within the project area and should provide access to adjacent pedestrian destinations.

4.3 Landscaped sidewalks should be provided along Walnut, 9th, and Canyon to enhance the pedestrian environment leading to the project area and within downtown.

4.4 Provide for an on-site transit center/stop integrated with the sidewalk and buildings to facilitate transit access.

4.5 Enhance linkages to all transit facilities with information, education, directional signs and convenient and comfortable facilities.

5. Provide quality public space.

5.1 Public spaces should be large enough to accommodate scheduled and informal special events.

5.2 Design public spaces to incorporate drainage and floodhazard conditions associated with Boulder Creek.

5.3 Public spaces should be urban in character to complement the mixed use image of downtown.

5.4 Public spaces should be oriented south to the greatest extent possible to enhance solar access.

5.5 Public spaces should be oriented to the greatest extent possible to views of the Flatirons, Boulder Creek and the mountains to the west of Boulder.

5.6 Provide ample places to sit, relax, and eat meals.

6. Public improvements should enhance the function and image of the project area.

6.1 Develop special intersection improvements at Ninth and Canyon that may incorporate vertical gateway features, decorative street lights, landscaped medians, street accent paving, and corner landscape improvements.

6.2 The project should be designed to accommodate, and could participate in funding a possible future pedestrian/bicycle underpass (similar to the one at Broadway/College) across Canyon Boulevard at 10th Street to enhance access to the Civic Park.

6.3 The City could develop midblock pedestrian improvements at 10th/Walnut to link the project area to Pearl Street along the 10th Street corridor. This would be a portion of a larger pedestrian connector between the Civic Park and Pearl Street.

E. PUBLIC IMPROVEMENTS

Improvements will be made to provide the infrastructure necessary to carry out the objectives of the Plan. Such improvements include, but are not limited to:

1. Environmental

a) Floodplain Improvements - Any uses will meet the City's Floodplain Regulation (Chapter 9-9, B.R.C. 1981). No structures intended for human occupancy will be allowed in the high hazard zone or the conveyance zone. Uses in the floodplain will be fully protected from the 100 year flood.

b) Erosion and Storm Drainage - Erosion problems will be eliminated through development of the site. Storm drainage improvements will be made as necessary.

2. Land Utilization

The current floor area ratio (F.A.R.) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an F.A.R. below 0.49. Implementation of this Plan will result in an F.A.R. of approximately 1.50.

3. Streets/Access/Circulation

a) Street improvements, to the extent required by the development plan, will be completed. A portion of 10th Street between Walnut and Canyon may be closed to vehicular traffic and resurfaced, to encourage and enhance safe pedestrian movement; and curbs, gutters and sidewalks will be replaced or repaired as needed. New traffic control and other intersection improvements will be made as needed.

b) Off-Street Parking - Parking located in an underground structure must provide for the replacement of the existing Central Area General Improvement District (CAGID) spaces, provide for the parking requirements of the proposed development and allow for additional parking to offset the increase in parking demand that development in the project area will generate in adjacent areas. The latter requirement will be explicitly defined in a CAGID/BURA cooperation agreement at the time the project area is redeveloped. This plan supersedes the provision of the RB-X zone district that permits non-residential development without parking facilities if located in a mandatory parking district.

c) Pedestrian and Bicycle Circulation - A system of pedestrian facilities that may include walks, a pedestrian mall, an atrium, pocket park and landscaped open spaces will be provided. Bike parking areas will be provided to encourage bike access.

d) Transportation Facilities - Significant facilities for alternative modes of transportation must be incorporated into the development plan with the objective of reducing the amount of parking that will be required in the project area. The goal shall be at least a 15% reduction in projected single occupant vehicle trips to and from the project area. If a hotel use is developed as identified in section III, B. 1 of this plan, shuttle service to Denver International Airport and possibly other locations will be required.

4. Site Improvements

a) Landscaping, Signage and Lighting - A landscaping plan will be developed and implemented to provide enhancement of the non-building portions of the project area.

b) Open Spaces - In addition to landscaped open spaces, other publicly accessible improvements such as a plaza, pedestrian mall, an atrium, and a pocket park may be provided. A

minimum of 50,000 square feet of open space and landscaped areas is planned. However, the specific requirements of this Plan for the provision of open space will be determined through the Site Review process.

c) Additional fire hydrants, stand pipes, etc. will be provided as needed to meet City Fire Code regulations.

F. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

1. The land use, design and construction of development in the project area shall comply with the City of Boulder's RB-X Zoning, the Downtown Design Guidelines, and other applicable provisions of the Boulder Land Use Regulation (including site and use review as applicable). Under the provisions of this Plan, parcels A (unimproved lot), B (CAGID parking lot) and C (old Chamber of Commerce Building) will be required to be developed in a coordinated manner.

2. All development must conform with the provisions and purposes of this Plan, and with all applicable laws, ordinances and codes.

IV. IMPLEMENTATION PROGRAM

A. PROJECT ACTIVITIES

1. PROPERTY ACQUISITION

No land will be acquired by the Authority and therefore no provisions are provided in this plan for owner participation, property management, relocation, or property disposition.

2. DEMOLITION, CLEARANCE AND SITE PREPARATION

The Authority will require any developer to demolish structures and other improvements and to clear and prepare the site for redevelopment in accordance with this Urban Renewal Plan.

3. PUBLIC IMPROVEMENTS AND FACILITIES

The Authority may install and construct, or cooperate as appropriate with developers and other public or private agencies, in the installation and construction of such public improvements, public facilities and utilities as necessary to carry out this Plan.

Such improvements, facilities and utilities include, but are not limited to, streets, curbs and gutters, sidewalks, bike paths, street lights, traffic signals; sanitary and storm sewers; water, electrical, gas and telephone distribution systems; parks, plazas and landscaped areas; and public transit facilities.

4. REDEVELOPMENT

Purchasers or owners of property within the project area shall be obligated to develop the property in accordance with the provisions of this Plan and the design standards and criteria established by the Authority, to begin and complete the development of the property within a period of time which the Authority fixes as reasonable, and to comply with such other conditions as the Authority deems necessary to assure the achievement of the purposes of this plan.

B. PROJECT FINANCING

1. METHODS OF FINANCING

The Boulder Urban Renewal Authority is authorized to finance this project by any method authorized under the Colorado Urban Renewal Law, or any other applicable law, including appropriations from the City of Boulder, federal loans and grants, interest income, property or sales tax increments, or any other available source.

The Authority is authorized to issue bonds in an amount sufficient to finance all or part of the project. The Authority is authorized to borrow funds and create indebtedness in carrying out this plan. The principal and interest on such indebtedness would be paid from tax increments or any other funds available to the Authority.

The economic feasibility of any redevelopment proposal will be reviewed by the Authority at the time the project is submitted for development review. The specific extent and nature of Authority economic participation in the project will be assessed at that time.

2. TAX INCREMENT FINANCING

This project may be financed by the Boulder Urban Renewal Authority under the tax allocation financing provisions of the Urban Renewal Law of the State of Colorado. However, the use of tax increment financing will be dependent on securing a City of Boulder/BURA cooperation agreement. The general provisions of the financing method are set forth below. In compliance with the requirements of §31-25-107(9)(d), C.R.S. the Boulder Valley School District of the County of Boulder, Colorado, has been permitted to participate in an advisory capacity concerning the project financing included in this Plan. Under the financing method, property taxes as levied after the effective date of the approval of this Plan upon taxable property in the Urban Renewal Area each year, and all of the municipal sales taxes collected within such area, by or for the benefit of any public body, shall be divided for a period not to exceed 25 years after the effective date of adoption of this Plan as follows:

a) Base Amount

That portion of property taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in

the urban renewal area last certified prior to the effective date of approval of this Plan, and that portion of municipal sales taxes collected within the boundaries of the urban renewal area in the last 12 month period ending on the last day of the month prior to the effective date of approval of this Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, all of the taxes levied upon the taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in the urban renewal area exceed the base year municipal sales tax collections in the urban renewal area, all such sales tax collections shall be paid into the funds of the City.

b) Increment Amount

That portion of said property taxes and/or all of said sales taxes in excess of the amounts specified in a) above shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, for this Project. When the bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property and the total municipal sales tax collections in the Urban Renewal Area shall be paid into the funds of the respective public bodies.

The incremental portion of the taxes described herein shall be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with the bonds, loans, advances, and indebtedness incurred by the Authority to finance the Project, subject to the terms of any loan or bond trust indenture.

C. CHANGES IN THE APPROVED PLAN

This Plan may be modified pursuant to the provisions of the Colorado Urban Renewal Law governing such modifications, including §31-25-107, C.R.S.

D. MINOR VARIATIONS

Where a literal enforcement of the provisions contained in this Plan would constitute an unreasonable limitation beyond the intent and purpose of these provisions, the Authority may in specific cases allow minor variations from these provisions.

9c95pl.fin

ORDINANCE NO. 5714

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN FOR THE NINTH STREET AND CANYON BOULEVARD PROJECT AREA; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the city council has adopted the "Boulder Urban Renewal Plan, Ninth and Canyon" (hereinafter called the "Plan") effective October 5, 1988; and

WHEREAS, the city council has determined that certain modifications to the land use, design, building requirements, and procedures are appropriate to update the Plan based upon current city policies; and

WHEREAS, the Plan modifications have been approved by the Board of Commissioners of the Boulder Urban Renewal Authority; and

WHEREAS, the city council has held a public hearing on the proposed Plan modifications providing a full opportunity for all residents and taxpayers of the city and other interested persons to be heard;

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

Section 1. The revised Plan, attached hereto as Exhibit A and incorporated herein by reference, for the project area, having been duly reviewed and considered, is hereby approved.

Section 2. It is hereby found and determined that Ordinance No. 5133 is amended by the substitution of the attached Exhibit A hereto as the Boulder Urban Renewal Plan for the Ninth Street and Canyon Boulevard project area.

Section 3. This ordinance shall not take effect unless and until the City of Boulder Planning Board reviews the proposed modifications and determines that such modifications conform with the Boulder Valley Comprehensive Plan, as amended.

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 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 18th day of April, 1995.

Mayor

Attest:

Director of Finance and Record
Ex-Officio City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 13th day of June, 1995.

Mayor

Attest:

Director of Finance and Record
Ex-Officio City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 11th day of July, 1995.

Mayor

Attest:

Director of Finance and Record
Ex-Officio City Clerk

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PROPOSAL AND SITE SUMMARY:

Proposal: Modifications to the 9th and Canyon Urban Renewal Plan regarding the Civic Use Requirement to facilitate the plan's civic use requirement through a vision to develop a public private partnership between the city and St Julien Hotel. The vision creates a facility with both civic and hotel uses on the civic use pad adjacent to the St Julien Hotel. The concept proposes a facility on the civic use pad including 8,000 square feet of event space for shared hotel and "civic use" on the first floor, hotel uses on the upper 3 floors, and a multi-purpose roof deck. Incorporated in the vision is a potential pedestrian connection across Canyon Boulevard to a future cultural facility at the current main library location.

Project Name: 9th and Canyon: Civic Use Pad
Location: Northeast corner of 9th Street and Canyon Boulevard
Zoning: Downtown – 5 (DT-5)
Comprehensive Plan: Regional Business

Key Issues:

1) Is proposed modifications to the 9th and Canyon Urban Renewal Plan (URP) in compliance with the Boulder Valley Comprehensive Plan, including consistency with the DT-5 zoning and the Regional Business land use designation of the BVCP along with policies of the BVCP?

Background

An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses. As stipulated in the 9th and Canyon Condominium Declaration, the Condominium Association comprised of the property owners (the hotel owner, St Julien Partners, and the Central Area General Improvement District – CAGID – the downtown parking district and a separate taxing entity) has the right to lease the civic use pad at the southeast corner of the site in accordance with the civic use lease up until January 1, 2020. After such time, the civic use restriction will end and St. Julien Partners may develop the site as they see fit within existing zoning regulations. The civic use lease must be approved by the owner of the hotel unit (St. Julien Partners) and CAGID.

In February 2000, Planning Board approved a Site Review Amendment to approve a building on the civic use pad to house the Collage Children's Museum and the Village Arts Coalition dance organization. Due to financial challenges, this approved civic use building was not constructed.

The civic use component of the project first came under consideration in 1998 when a citizen task force comprised of city board, downtown and community members was appointed to review submitted proposals and make a recommendation to City Council. The civic use criteria approved by the City Council in 1998, and currently applicable to the civic use pad, are:

- Financial ability to construct and/or operate and maintain a use over time.
- Acceptance as civic use defined by attraction/benefit to the cultural or scientific or educational or entertainment or artistic or humanistic or civic life of the community.

- Compatibility to the other urban renewal site uses, i.e. the hotel, the parking garage and open space.
- Enhancement to the vitality of the downtown by generating interest in coming downtown, diversifying the downtown experience for citizens, visitors and downtown users or complementing other downtown uses.

1) Community policy considerations including likely conformity of the proposed modifications with the Boulder Valley Comprehensive Plan and relevant policies;

BVCP Land Use Designation: As shown in Figure 1, the land use map below, the site for the Civic Use Pad is located within the Regional Business land use designation. The intent of the Regional Business designation as described in the BVCP is as follows:

> *"Within these areas are located the major shopping facilities, offices, financial institutions, and government and cultural facilities serving the entire Boulder Valley and abutting communities. These areas will continue to be refurbished and upgraded and will remain the dominant focus for major business activities in the region."*

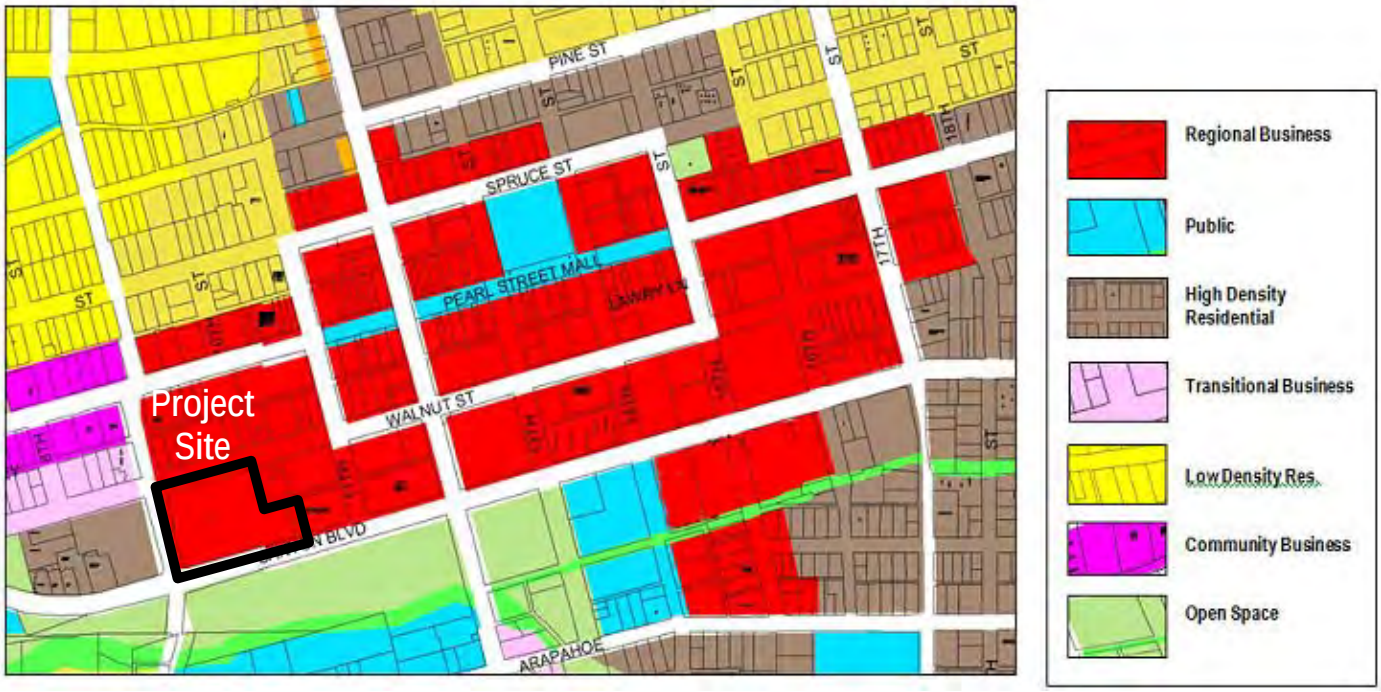


Figure 1: Boulder Valley Comprehensive Plan Land Use of Subject Site and Surroundings

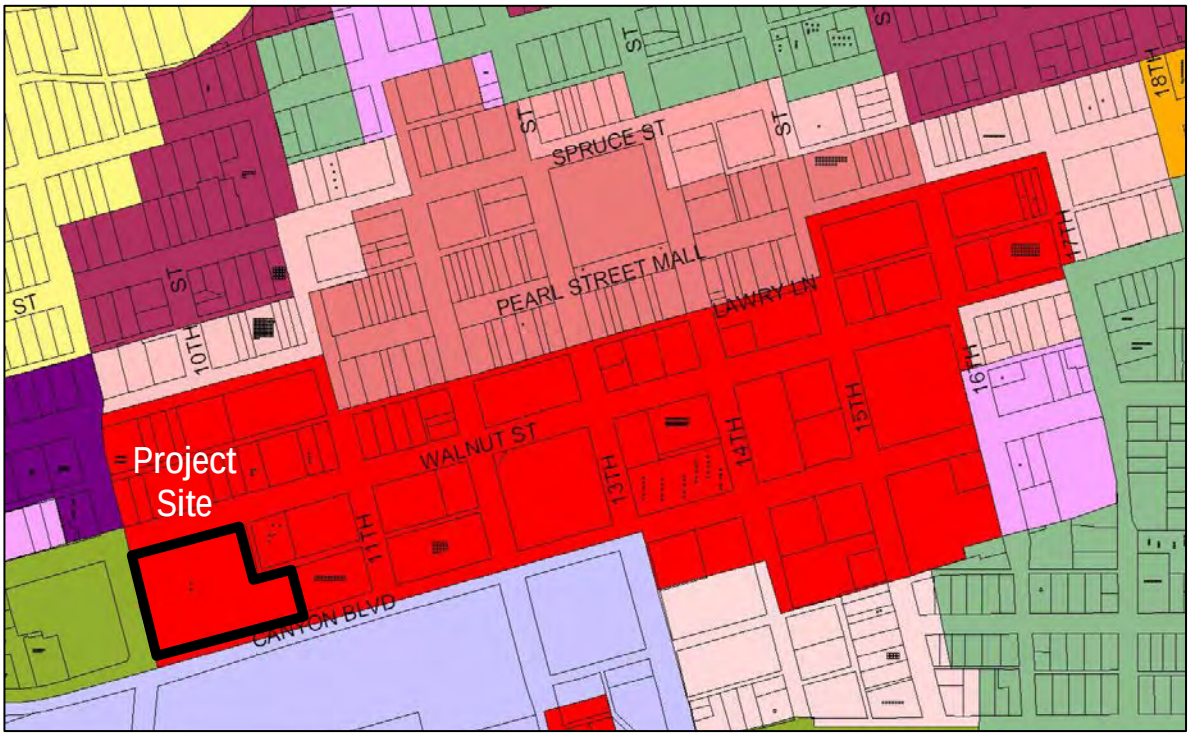
The proposed use of the site to create a facility with both civic and hotel uses on the civic use pad adjacent to the St Julien Hotel is consistent with the "Regional Business" definition of the BVCP, in that the area is intended for "major" retail and offices "serving the entire Boulder Valley. The definition also indicates the city's expectation that such areas will continue to be redeveloped and a dominant focus for major business activities in the region.

Relevant BVCP Policies: The proposed project is consistent with the following BVCP policies:

1.04 Principles of Social Sustainability
1.03 Principles of Economic Sustainability
2.03 Compact Land Use Pattern
2.18 Role of the Central Area
5.09 Role of Arts and Cultural Programs
5.13 Responsive to Changes in the Marketplace
8.05 Diversity

2.30 Sensitive Infill and Redevelopment
5.02 Regional Job Center
5.05 Support for Local Business
8.17 Performing and Visual Arts
8.18 The Arts
8.20 Canyon Boulevard Cultural Corridor

Zoning: As shown in Figure 2, the zoning map below, the property is located within the Downtown – 5 (DT-5) zoning district, surrounded by DT-5 to the north and east, and DT-2 to the south. Further to the south is RH-2 zoning and further west is public zoning.



Downtown – 5 (DT-5) up to 2.7 FAR
Downtown – 4 (DT-4) up to 2.2 FAR
Downtown – 3 (DT-3) up to 2.7 FAR
Downtown – 2 (DT-2) up to 2.0 FAR
Business Main Street (BMS)
Residential High – 2 (RH-2)
Business Transition – 2 (BT-2)
Public

Figure 2: Zoning on the Subject Site and Surroundings

The DT-5 zoning district is defined in the Land Use Code, section 9-5-2, B.R.C. 1981 as follows:

> *"The business area within the downtown core that is in the process of changing to a higher intensity use where a wide range of office, retail, residential and public uses are permitted. This area has the greatest potential for new development and redevelopment within the downtown core."*

From the intent statement for the DT-5 zoning district in the Land Use Code, it is evident that the area within downtown where the project site is located is intended for “higher intensity uses” and an area where the city has anticipated the highest potential for “redevelopment.”

Central Area General Improvement District. The site is located within CAGID and as such there is no parking requirement for non-residential uses.

Memorandum

STUDY SESSION MEETING DATE: January 28, 2014

To: Members of City Council

From: Jane S. Brautigam, City Manager
Paul J. Fetherston, Deputy City Manager
David Driskell, Executive Director, Community Planning and Sustainability
Molly Winter, Director, Downtown and University Hill Management Division and Parking Services
David Gehr, Deputy City Attorney
Sam Assefa, Senior Urban Designer, Community Planning and Sustainability
Elaine McLaughlin, Senior Planner, Community Planning and Sustainability

RE: Civic Use Task Force IV Recommendation regarding the St. Julien Civic Use Pad

Date: January 16, 2014

I. EXECUTIVE SUMMARY

The Civic Use Task Force IV (CUTF IV) recommends to City Council a new vision for civic use at the pad adjacent to the St. Julien Hotel. Over the last 15 years multiple task forces have explored a myriad of different ideas and concepts; however, a viable plan with sustainable financing and management structure has been elusive. After extensive exploration, discussion and consideration, the CUTF IV envisions a facility developed as a public private partnership with the St. Julien Hotel within the context of the Civic Area Plan. St. Julien Partners supports the recommendation and, as a major partner in the project, will work towards an implementation framework. Staff also supports the Task Force's recommendation.

The concept proposes a facility on the pad including 8,000 square feet of event space for shared hotel and "civic use" on the first floor, upper floors of hotel uses, and a multi-purpose roof deck. Incorporated in the vision is a potential pedestrian connection across Canyon Boulevard to a future cultural facility at the current Library location. (See

ATTACHMENT A.) In the opinion of the Task Force, after the exhaustive 15 year process, this collaborative partnership represents the most workable, exciting and viable path to achieving the requirement for civic use set out in the 9th and Canyon Urban Renewal Plan (see ATTACHMENT B) before it expires in 2020 when the site reverts to its owner, St. Julien Partners.

The CUTF IV recommends formal exploration of the collaborative partnership to understand its constraints, challenges, opportunities, benefits and issues. The areas for further analysis, study, potential change and negotiation include: existing legal agreements associated with the site including the Urban Renewal Plan and Condominium Association; planning and zoning regulations; building design and compatibility with the hotel and garage; financing; lease and user options to support civic use of the event space and multi purpose roof deck for the community; and the negotiations with St. Julien to define the facility management and parameters of the public/private partnership. Staff proposes a phased incremental work program with regular check-ins with the CUTF IV and City Council.

II. QUESTIONS FOR CITY COUNCIL

Does City Council support further exploration of this new vision for a civic use including a public/private partnership with the St. Julien Partners and coordination with the Civic Area Plan?

Does City Council support further analysis regarding planning and zoning, design and management strategies and financial options to ensure a civic benefit?

Does City Council support revisions to the 9th and Canyon Urban Renewal Plan and other legal documents in order to attain the CUTF IV's vision of civic use?

III. BACKGROUND

An urban renewal plan adopted in 1988 for the 9th and Canyon site in downtown Boulder called for hotel and convention facilities, including retail, restaurants, entertainment, transportation facilities and underground parking. In 1995, City Council modified the plan to include design guidelines for the site, as well as requiring that a minimum of 20 percent of the gross floor area be committed to civic uses. As stipulated in the 9th and Canyon Condominium Declaration, the Condominium Association comprised of the property owners (the hotel owner, St. Julien Partners, and the Central Area General Improvement District - CAGID) has the right to lease the civic use pad at the southeast corner of the site in accordance with the civic use lease up until January 1, 2020. After such time, the civic use restriction will end and St. Julien Partners may develop the site as they see fit within existing zoning regulations. The civic use lease must be approved by owner of the hotel unit (St. Julien Partners) and CAGID.

The underground CAGID parking garage opened in November 2002 and the St. Julien Hotel opened in February 2003. Incorporated in the mixed use project is an 11,000 square foot pad east of the hotel constructed with a concrete structural deck capable of supporting a building ("the civic use pad").

The civic use component of the project first came under consideration in 1998 when a citizen task force comprised of city board, downtown and community members was appointed to review submitted proposals and make a recommendation to City Council. The civic use criteria approved by the City Council in 1998, and currently applicable to the civic use pad, are:

- Financial ability to construct and/or operate and maintain a use over time.
- Acceptance as civic use defined by attraction/benefit to the cultural or scientific or educational or entertainment or artistic or humanistic or civic life of the community.
- Compatibility to the other urban renewal site uses, i.e. the hotel, the parking garage and open space.
- Enhancement to the vitality of the downtown by generating interest in coming downtown, diversifying the downtown experience for citizens, visitors and downtown users or complementing other downtown uses.

Subsequently, three different task forces have sought solutions and approaches to achieve a civic use on the site, but without success. These first three task forces considered a wide variety of ideas and formal proposals including location for the Depot, a children's museum and community dance facility, the Boulder History Museum, a 500 foot performance venue, a community dance facility with hotel meeting space, and the entry of a conference facility connected to buildings to the east. (See ATTACHMENT C.) In 2009, City Manager Jane Brautigam appointed a 4th Civic Use Task Force with the charge to:

1. Assess the challenges that have been identified through past efforts and make recommendations that would increase the likelihood of a successful endeavor;
2. Review the civic use criteria to ensure they reflect the current city priorities and goals and needs of the community; and
3. Assist in the development of a proposal solicitation strategy and process.

The members of the CUTF IV are: Boulder City Council Members Mary Young, George Karakehian and Lisa Morzel; Michael Smith, the Boulder Arts Commission; Susan Connelly, Boulder Convention and Visitors Bureau Advisory Board and the Boulder Urban Renewal Authority and vice chair of the task force; Fern O'Brien, Downtown Boulder Business Improvement District; Matt McMullen, Downtown Management Commission and chair of the task force; Josie Heath representing non-profits; Wendy Reynolds representing the financial sector; and Cindy Carlisle representing the community sector. Bruce Porcelli from the St. Julien was invited to join the task force in May 2012. City Council members KC Becker and Suzanne Jones served on the task force.

The CUTF IV conducted a thorough and comprehensive investigation of the challenges, options and possibilities presented by the civic use requirement. The following is a summary of their efforts and accomplishments.

- Analyzed the opportunities and constraints of the site and its legal agreements which govern the outcome. These include the 1988 Urban Renewal Plan (ATTACHMENT B) (amended in 1995) and documents associated with the Condominium Association.
- Developed vision and performance criteria to evaluate reasonable and feasible opportunities for civic use based on the current realities.

- Communicated with dozens of Boulder-based organizations and thought leaders in the community about the opportunities for the civic use pad; conducted focus groups with non-profit organizations serving the Boulder Area; and discussed opportunities with UCAR, NCAR, the Climate Center, the Fort Collins Museum, CU Museum of Natural History and the Exploratorium.
- Created a video promoting the site.
- Determined that a 500 seat music/performance theatre is not a realistic fit for this site.
- Commissioned a property valuation of the pad and associated constructed site improvements.
- Explored the possibility of a mixed use, "layer cake" approach with both civic and commercial uses: hotel functions, meeting space and an art house cinema.
- Commissioned a market and financial feasibility analysis of the "layer cake" mixed use approach.
- Enhanced the relationship with St. Julien Partners; Bruce Porcelli joined the task force in 2012.
- Issued a Request for Information (RFI) to developers seeking the expertise and perspective of the local private development community to identify obstacles to financing and development of the site, and identifying incentives desirable for a successful project. No responses to the RFI were received.

Based on the accumulation of feedback, analysis and discussion, the CUTF IV concluded the following:

- A single user concept is unrealistic given the size, character and financial resources of Boulder.
- Based on the feedback from the community, the required building space - 20% of the existing building equates to 37,000 square feet - is too much for any one user to afford, the Task Force recommends the Urban Renewal Plan be modified to meet the realities and needs of the current proposal.
- A redefinition of "civic use" as a specific building or portion of a building to "civic benefit" within the context of a public private partnership. As noted above, the expectation of a stand-along facility is not realistic for civic and non-profit entities within our community. However, there is a periodic need for many organizations for sharing a venue; hence the concept of civic benefit rather than a single use.
- Coordination with the Civic Area Planning effort provides a design synergy within the broader context of the area and opportunity for a viable and dynamic use for the site.
- A public private partnership with the St. Julien will be necessary to achieve a successful result and achieve the civic use concept prior to the expiration date.

After the Task Force's comprehensive review of the options and thorough outreach to the community, a key breakthrough came with the realization that partnering with the St. Julien Partners offered the most viable, realistic and sustainable approach to achieving the goal of a civic benefit on the pad within the shrinking window of opportunity. Having Bruce Porcelli join the Task Force created the opportunity to jointly develop a mutual vision with shared benefits.

IV. ANALYSIS

The New Vision of the Civic Use Pad

The Civic Area Plan (CAP) generated a new and broader context for envisioning the civic use pad, and shifted the thinking of the Task Force. The proximity of the pad to CAP area expands the possibilities for uses on the pad by creating connections with other sites such as re-envisioned Library Building as a performance center and the Municipal Building as a cultural facility. The triangular relationship of the three locations indicates how the potential facilities could support each other and create the density to become the foundation for a cultural district. The civic use is no longer a stand-alone opportunity to achieve city goals but part of a broader, move comprehensive plan. (See ATTACHMENT D.)

The proposed concept connects the pad facility with the hotel opening up the opportunity for additional hotel rooms. The first floor is proposed as an event/multi-use space of approximately 8,000 square feet divisible into smaller spaces and meeting rooms to maximize flexibility of use managed by the hotel for both hotel and civic users. The southern facade would take advantage of the views of the park and the mountains and be a wall of glass. A proposal to maximize the first level for event use creates a mezzanine level storage space below, within the first level of the parking garage. A roof deck could be a signature feature of the facility accommodating a variety of uses and public access with scenic views of the Flatirons. (See ATTACHMENT A.)

The new vision promotes multiple benefits. The community access and use of the first floor event space and roof deck embodies the civic benefit. The ability for local non-profits and civic groups to host their events in a large enough venue in Boulder would be a source of community pride, as well as a financial benefit to Boulder. Adding additional hotel rooms contributes to the enhanced economic vitality of the city and downtown. The potential for a pedestrian bridge across Canyon Boulevard connecting the civic use to a re-imagined library facility enhances the connection with the Civic Area and addresses the barrier of the boulevard. The pedestrian bridge has the potential to become an iconic feature of Boulder and a gateway into the city from the west.

Preliminary Analysis

To understand the feasibility of the new vision, staff undertook several preliminary steps: an event space utilization survey of local organizations (ATTACHMENT E); a design feasibility study the site (ATTACHMENT A); preliminary issue identification by staff of zoning and planning issues of the feasibility; and identification of the legal documents associated with the site which will need modification in order to achieve the vision (ATTACHMENT F).

Community Survey

With the assistance of the Boulder Convention and Visitors Bureau, staff developed a survey for community organizations to understand the local demand for a facility located at the civic use pad. The Community Foundation provided the contacts. The survey included a layout of the proposed event space with a variety of room arrangements and

potential types of uses. 40 non-profit and community organizations responded. The feedback indicated an active interest in using the facility; however clarity about rental costs, as well as the operational management structure, would be needed prior to any definitive feedback. Additional market demand information including price sensitivity will be part of the next steps. Pricing of the rental rates in order to open up access to the space is a key component to determining the level of civic benefit and worthiness of this endeavor.

Building Mass Feasibility Study

The St Julien Partners and the city, through CAGID, jointly commissioned a conceptual feasibility study of a building based on the new vision conducted by 42/20 the original project architects. The effort focused on how the proposed uses could fit on the site and how the facility could connect to the adjacent buildings – the CAGID garage and St. Julien hotel. It is very important to note that the study is **not** intended to convey any building design intent, but merely a massing exercise. The task force feels strongly that the building's design should be very special, expressing the Boulder ethos and values. As indicated in ATTACHMENT A the building program can be accommodated on the site, however, as is normal at this stage of consideration, the study did raise a number of issues and questions.

Preliminary Planning and Zoning Issues

While the preliminary plans are provided to convey massing and building relationship and not necessarily architectural style or finish materials, the plans will require some refinements and also a Site Review Amendment process to meet the land use code. For example, when the Site Review for the overall St. Julien Hotel and Civic Use Pad site was approved, it was based on a maximum 1.5 FAR allowed through the 9th and Canyon Urban Renewal Plan that had been adopted for the area. That maximum FAR essentially limited the size of the civic pad building to approximately 38,000 square feet. Therefore, to add the additional floor area shown in the preliminary plans, up to a 1.7 FAR, both a Site Review Amendment as well as an amendment to the Urban Renewal Plan would be required. The current proposal would be allowed under current zoning regulations.

The plans also illustrate a roof top deck with a retractable awning which would likely require a structural system for the awning that would exceed the 55-foot height limit and not fall under a definition of appurtenances. Therefore, some refinements to the building height will be required to ensure that the roof deck, the covering for the roof deck and the elevator access to the deck don't exceed 55 feet. The civic pad building height would be measured separately from the St. Julien provided the building and the connection to the St. Julien hotel are built as separate buildings under the provisions of the building code.

Legal Agreements

The 9th and Canyon Urban Renewal Plan, created in 1988 and revised in 1995, governs many aspects of the site and shaped its physical development and uses. The plan itself contains requirements created 19 years ago that will need to be modified in order to allow for the current CUTF IV vision for the pad, i.e. the specific civic space requirement. In addition, because of the development requirements (i.e. building the hotel on the CAGID

property), the Renewal Plan created the need for special legal documents addressing the land ownerships - Condominium Declaration - which also will need to be modified to allow for the vision. It is outlined in ATTACHMENT F.

Public/Private Partnership
St. Julien Partners supports the CUTF IV recommendation and, as a major partner in the project, will work towards an implementation framework. The partnership is envisioned to address project financing, define the civic benefit and mechanisms to ensure implementation, facility management and relationship with the city among other things. As a first step, staff recommends entering into a Memorandum of Understanding (MOU) between the city and St. Julien that will identify the parameters of the partnership, essential needs and roles of each entity, and a path to partnership.

V. FEEDBACK

The Downtown Management Commission (DMC) (as the advisory board for CAGID) reviewed the new vision and recommendations at their January 6th meeting. DMC supports the proposal as a win/win for both the city, the downtown, St Julien Partners and CAGID. The timing is an important consideration as the city will not receive any civic benefits if a mutual agreement is not reached by January 2020. The DMC supports the coordination of the civic use pad with the Civic Area Plan; and believes the St Julien is a qualified operator and will be a worthy partner.

VI. NEXT STEPS

Should City Council support the recommendation of the CUTF IV, staff would proceed with additional work in a phased approach. The first phase work would be an analysis of legal and planning and zoning issue;, exploration of financing options to create the civic benefit and the framework of a public private partnership with St. Julien. The Phase I work items would include:

- Detailed analysis to determine the methods, process and schedule to amend and or change existing applicable legal documents (see ATTACHMENT E);
- Additional study and analysis of the planning and zoning issues associated with the feasibility study;
- Limited feasibility study regarding the connectivity of the concept proposal with the adjoining buildings – the hotel and garage.
- Development of a Memorandum of Understanding (MOU) between the city of Boulder, St. Julien Partners and CAGID to outline the framework and parameters of the public/private partnership and facility management;
- Exploration and identification of financing options for the civic use;
- Continued coordination with the CAP process.

Based on the result of Phase I work, staff would present recommendations to the CUTF IV and then to City Council for review prior to further pursing the details and expending funds for Phase II work: market demand studies for the civic use space, the next stage of building design, analysis of financing options and negotiations with St. Julien.

ATTACHMENTS

Attachment A: Civic Pad Feasibility Study
Attachment B: 9th and Canyon Urban Renewal Plan
Attachment C: Past Development Proposals and Ideas
Attachment D: Illustration of Civic Area Plan
Attachment E: Survey and Summary
Attachment F: Chart Outlining Modifications to Legal Documents

Boulder Civic Area

Civic Pad Feasibility Study

Boulder, Colorado
40° 0', 105°16'

25 November 2013

4240

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06 Optional Bridge Connection

01 Program

Civic Pad Development

Feasibility Design 11.25.2013

Preliminary Program and Area Calculations

Civic Pad

Room/Space	Net Area (nsf)	Gross Area (gsf)	Notes
LEVEL 1			
1.10 Open Event Space	8,400		Room A combined with pre-function
Conference Room - A	6,700	6,700	
Conference Room - B	3,350		Quantity (2)
Conference Room - C	2,250		
Conference Room - D	1,100		
1.20 Pre-function		3,250	includes coat room
1.30 Restrooms		1,060	
1.40 Warming Kitchen		1,740	includes service elevator passageway
1.50 Vertical Circulation		680	
1.60 BOH/ Service Corrirdor		1,230	includes fan room exhaust wells
Total Level 1		**14,660**	
LEVEL 2			
2.10 St. Julien Hotel - Expansion		12,190	Exterior terraces not included
2.20 Circulation		900	Guest corridor 6' wide
2.30 Vertical Circulation		680	
2.40 BOH/ Service		740	
Total Level 2		**14,510**	
LEVEL 3			
3.10 St. Julien Hotel - Expansion		12,190	Exterior terraces not included
3.20 Circulation		900	Guest corridor 6' wide
3.30 Vertical Circulation		680	
3.40 BOH/ Service		740	
Total Level 3		**14,510**	
LEVEL 4			
4.10 St. Julien Hotel - Expansion		12,190	Exterior terraces not included
4.20 Circulation		900	Guest corridor 6' wide
4.30 Vertical Circulation		680	
4.40 BOH/ Service		740	
Total Level 4		**14,510**	
LEVEL 5 - CIVIC EVENT SPACE			
5.10 Roof top Terrace	7,250		Open, flexible outdoor event spa
5.20 Mechanical/Electrical Rooms		2,800	
5.30 Elevator Foyer/Vestibule		450	
5.40 Vertical Circulation		680	
Total Level 5		**3,930**	
MEZZANINE LEVEL (Above Parking Level 1)			
0.10 Storage		2,800	Event space storage - chairs, tab
5.40 Vertical Circulation		480	Service elevator access
Total Level 5		**3,280**	
TOTAL BUILDING AREA		**65,400**	

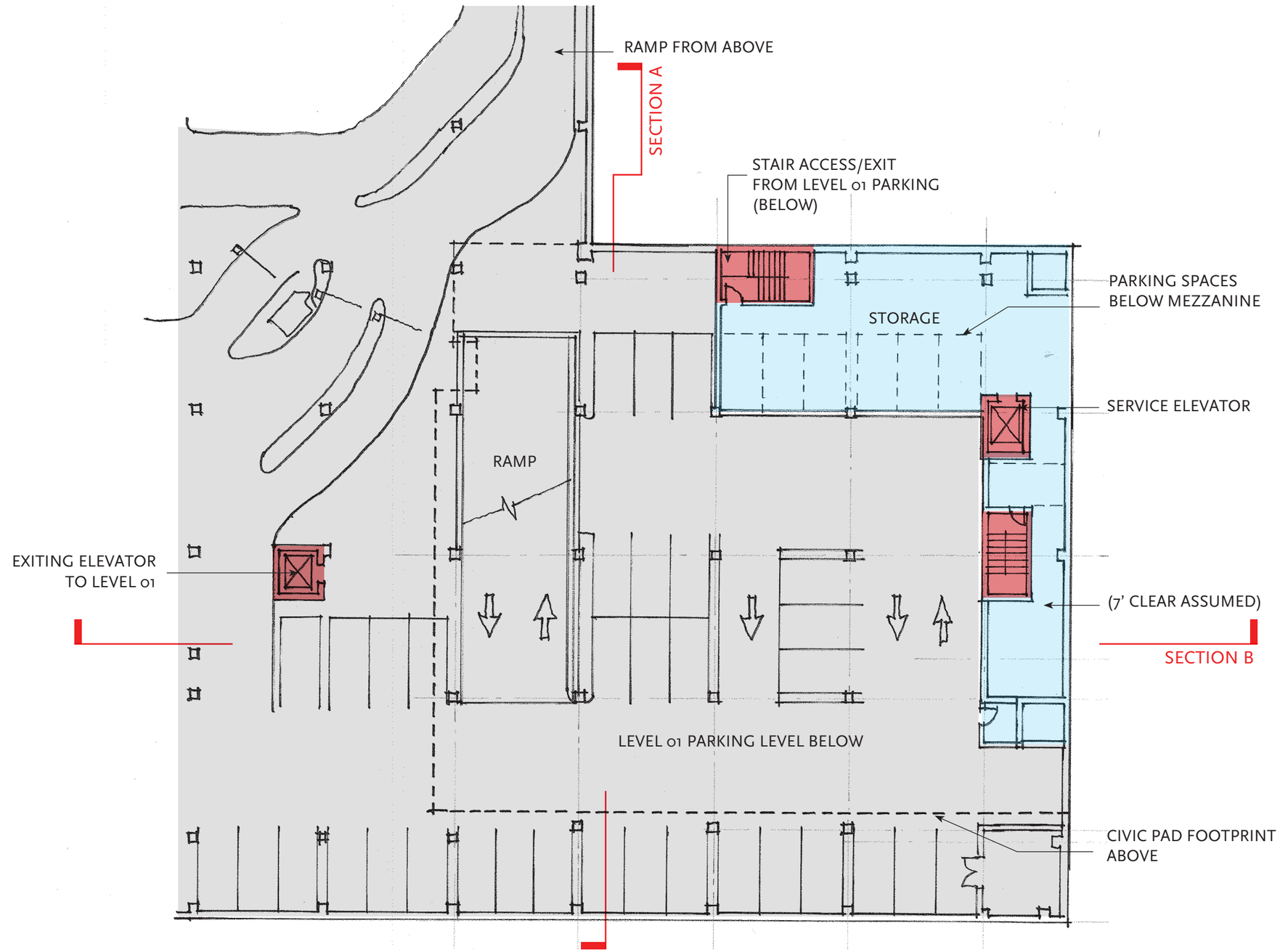
Opportunities:

i. Connection to West End Civic Plan
ii. Connection to Walnut St and Mall via Alley
iii. Connection to Civic Area (via Canyon Blvd crossing – street level or bridge)
iv. Connection to 9th and Walnut Parking Garage and potential mezzanine storage space
v. Large ground level multi-function public space with natural light
vi. Roof top activity terrace
vii. Facility sharing with St Julien Hotel
vii. Living Building Challenge Designation

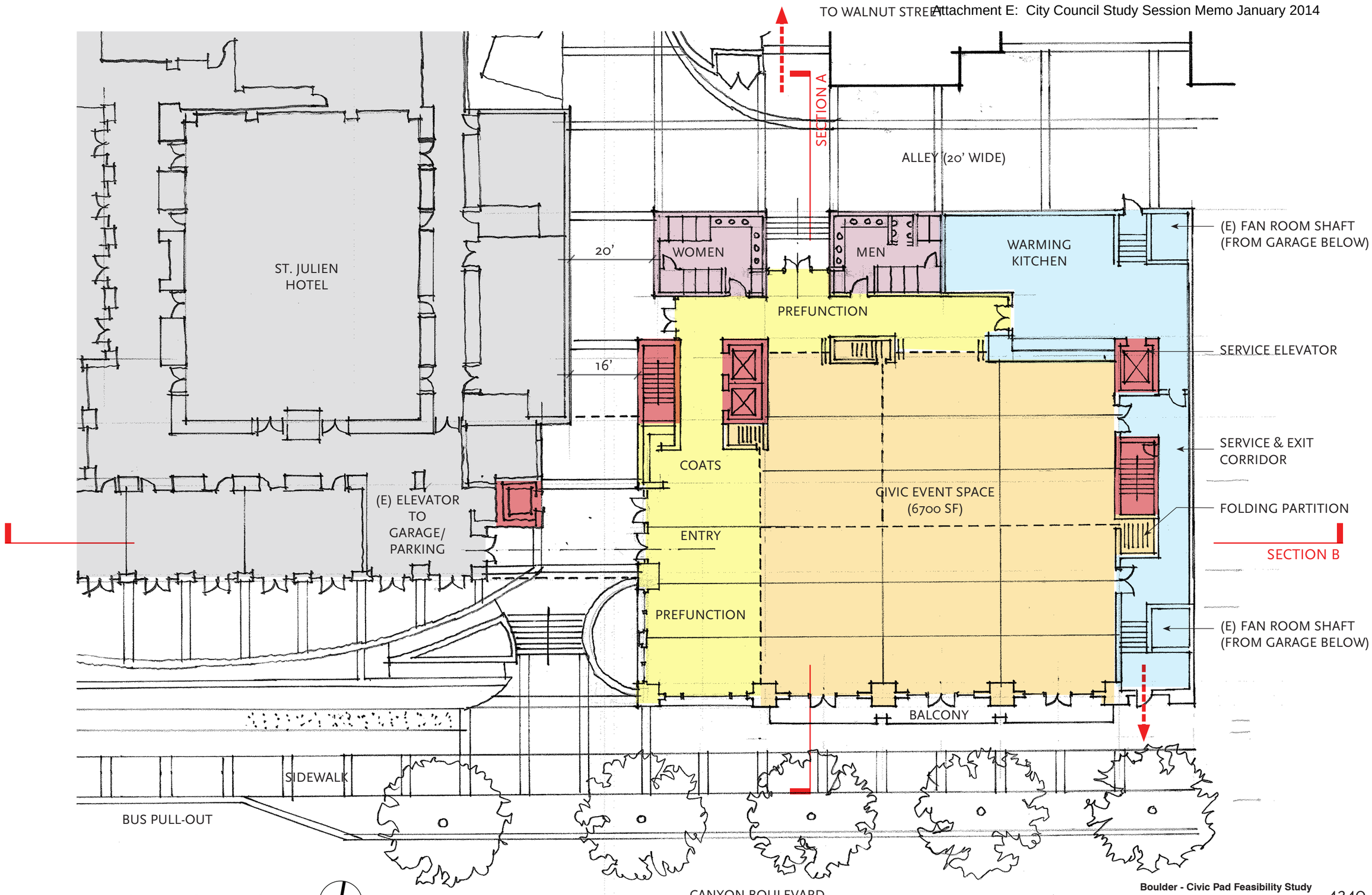
Possible Constraints:

i. Building height limit of 55' and roof top use
ii. Flood Conveyance zone
iii. Bridging Canyon Blvd – State Highway (14' min clearance?)

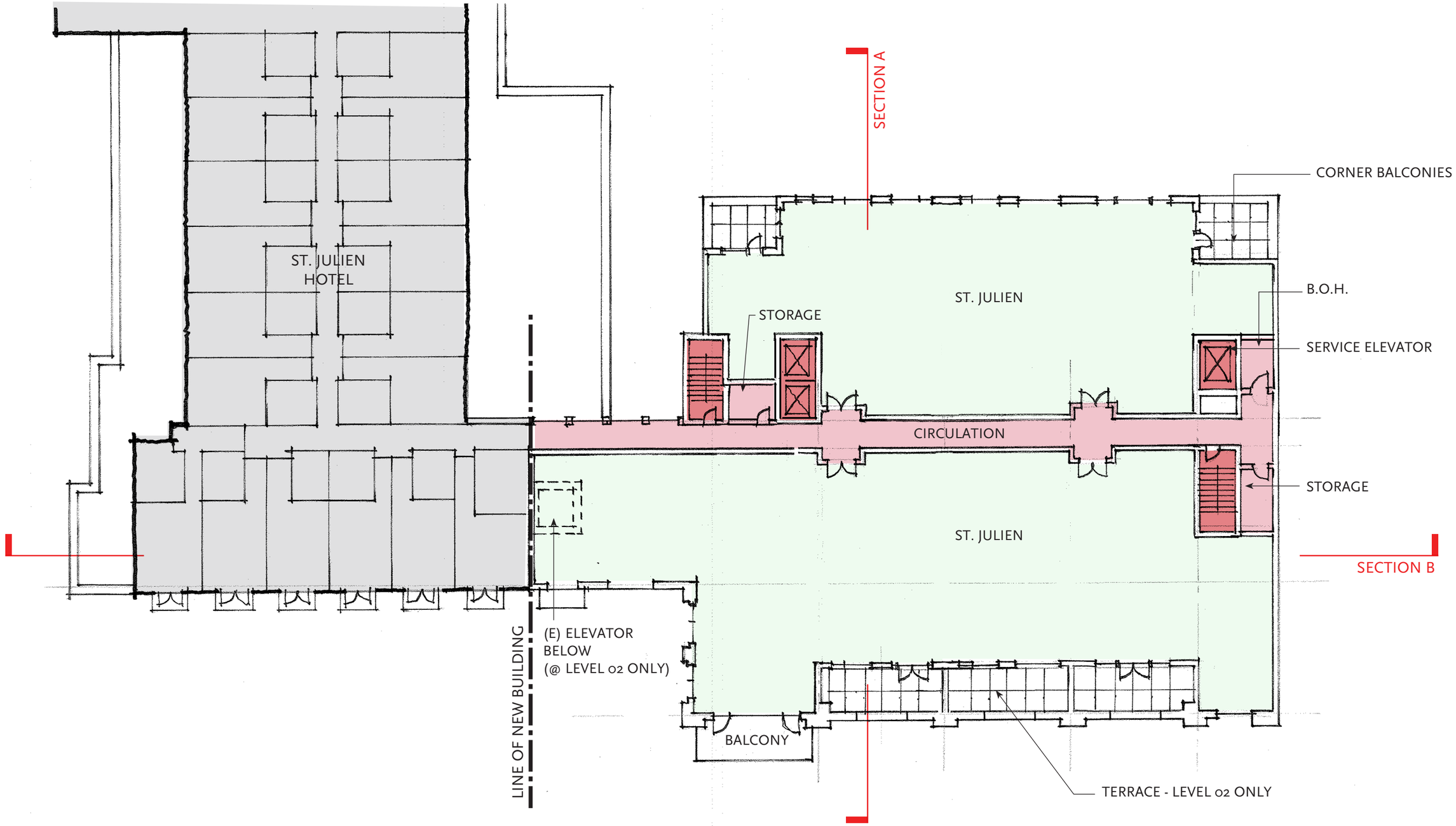
02 Opportunities and Constraints



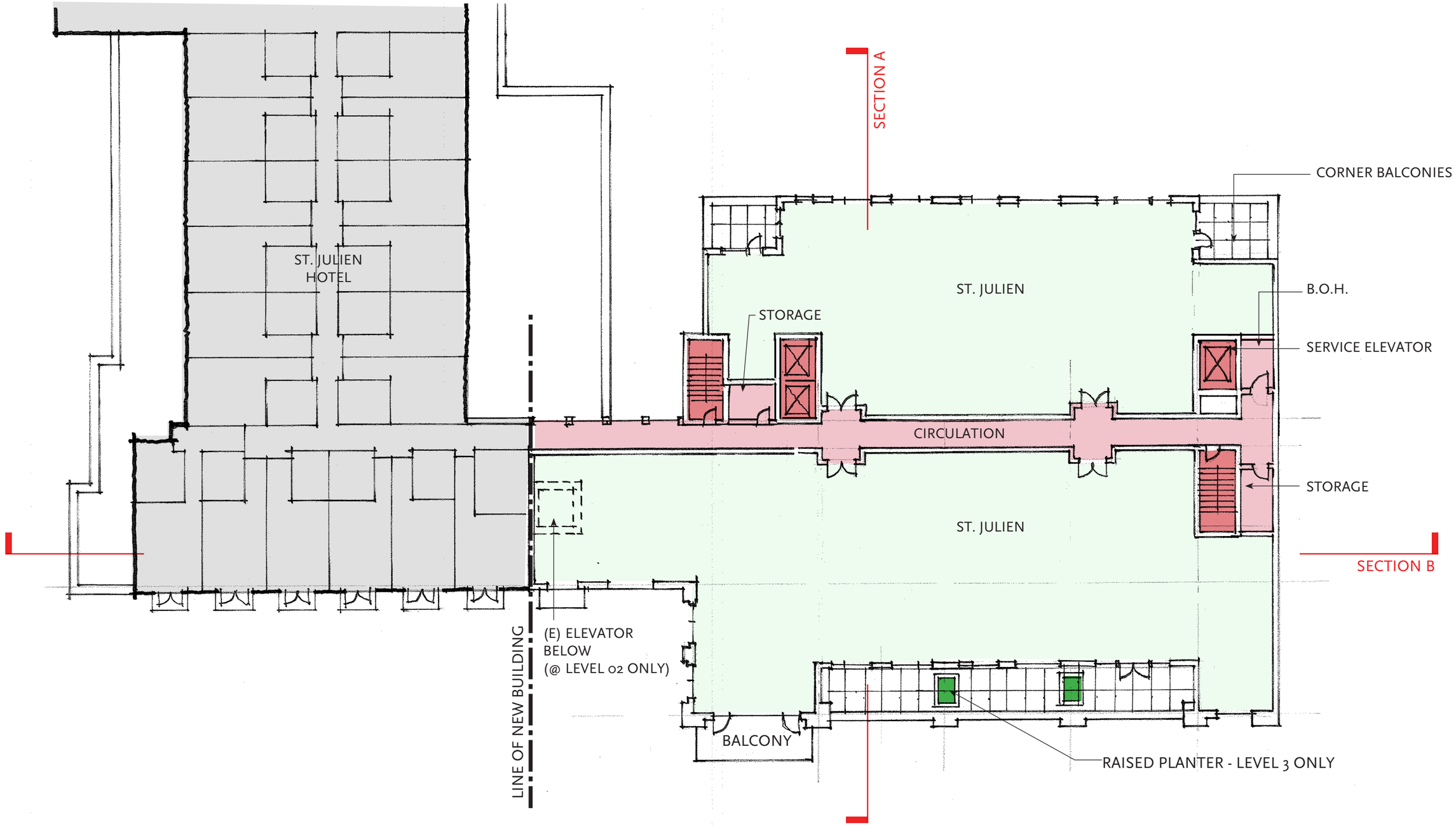
Mezzanine Level -Floor Plan



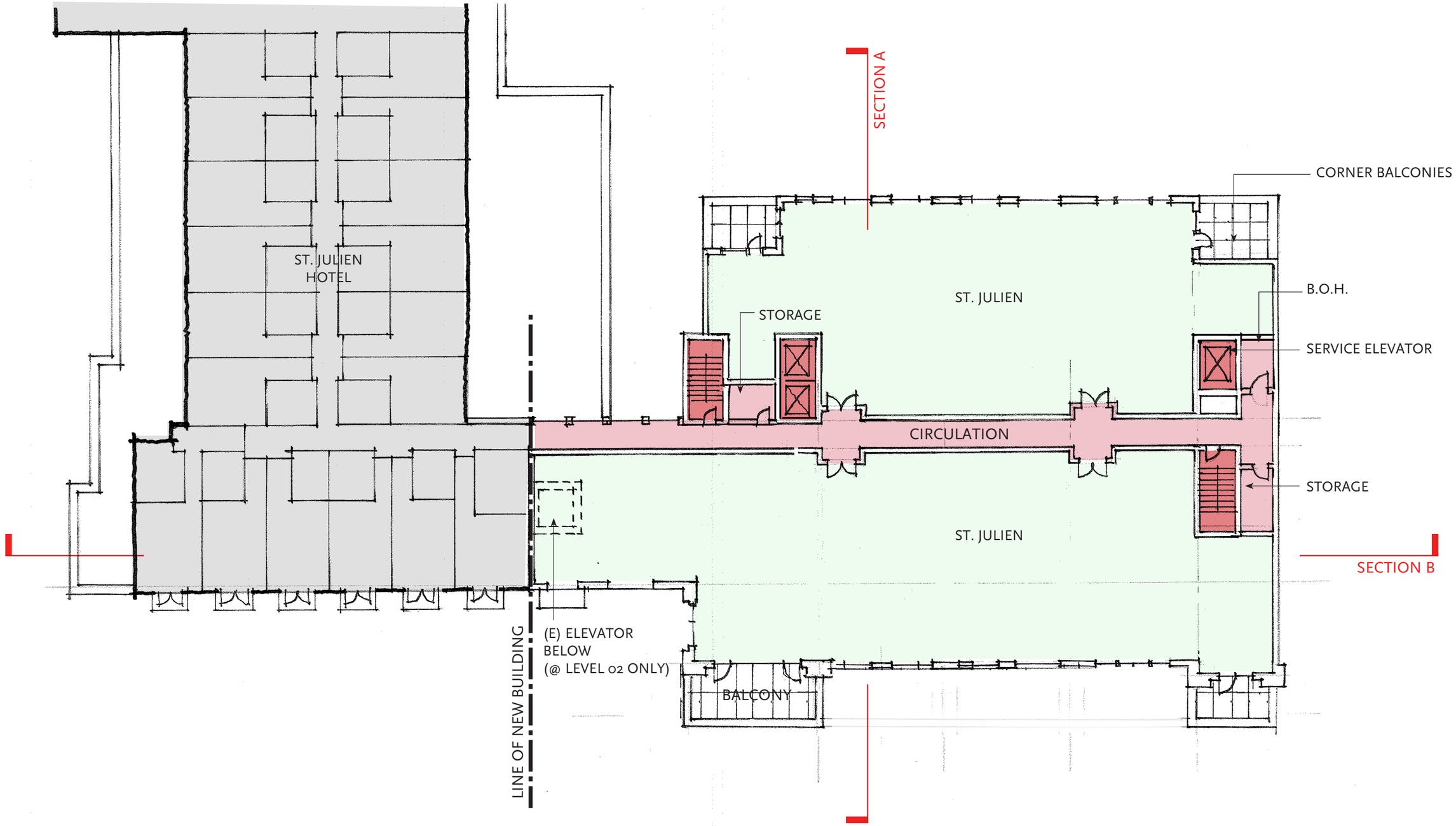
Level 01- Floor Plan



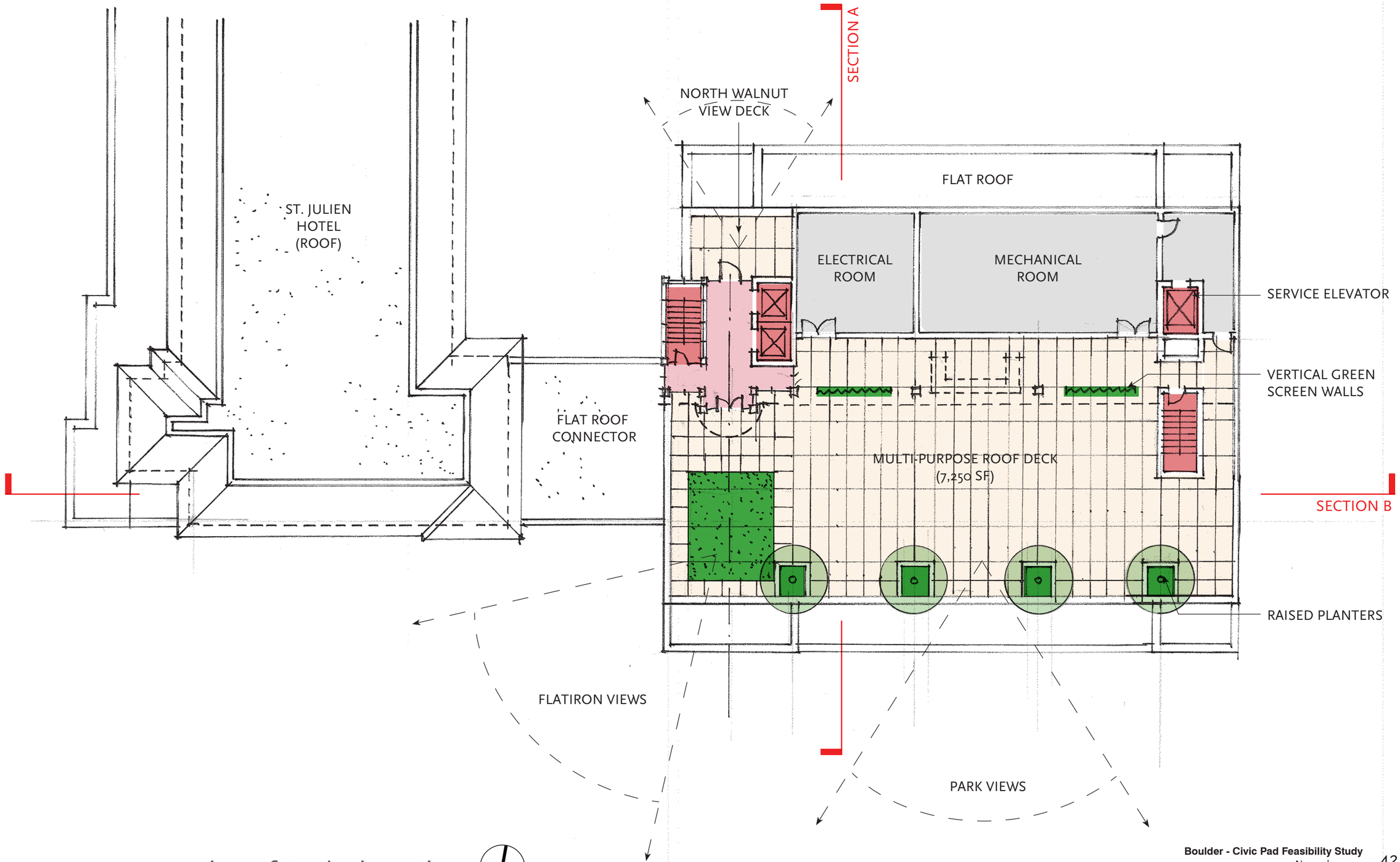
Level 02- Floor Plan



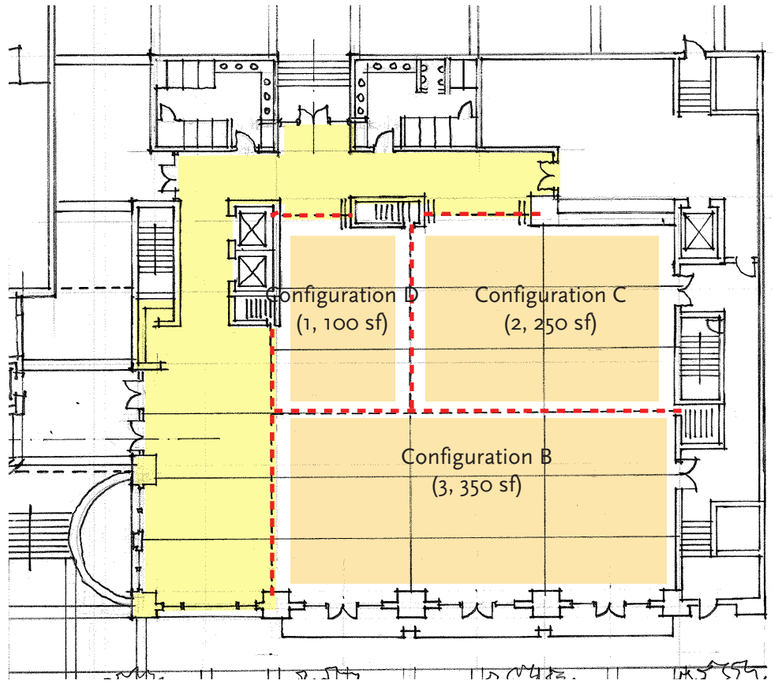
Level 03- Floor Plan



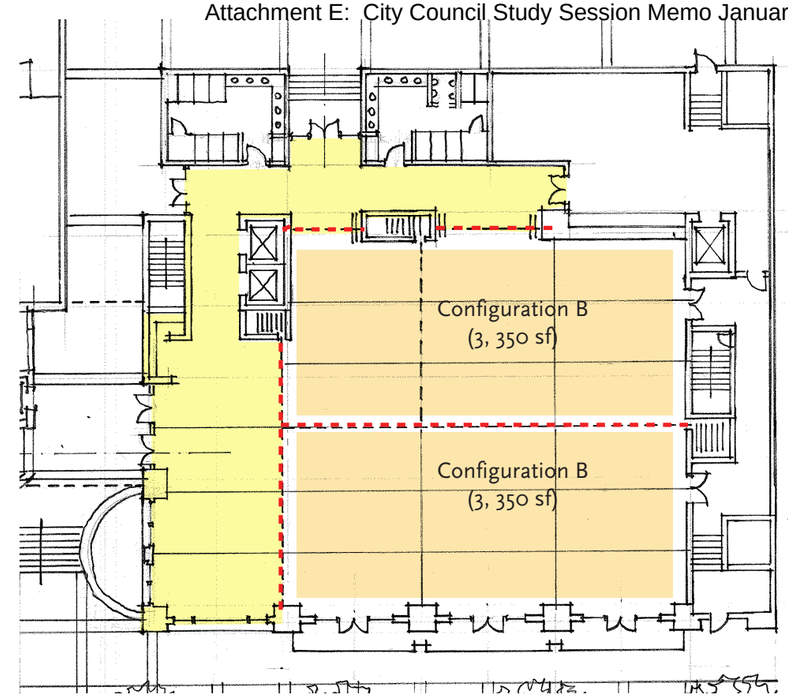
Level 04- Floor Plan



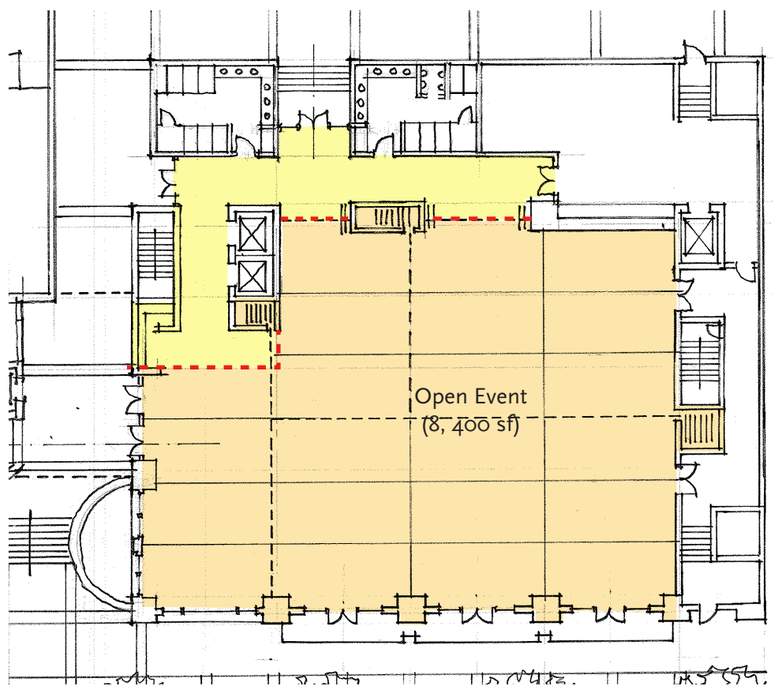
Upper Level Roof Deck Floor Plan



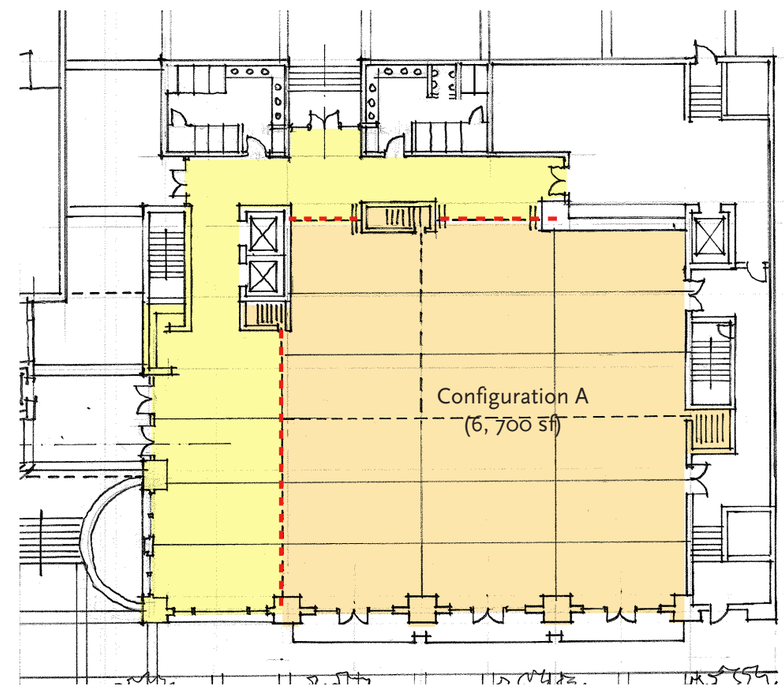
Partitioned Event - with prefunction



Partitioned Event - with prefunction

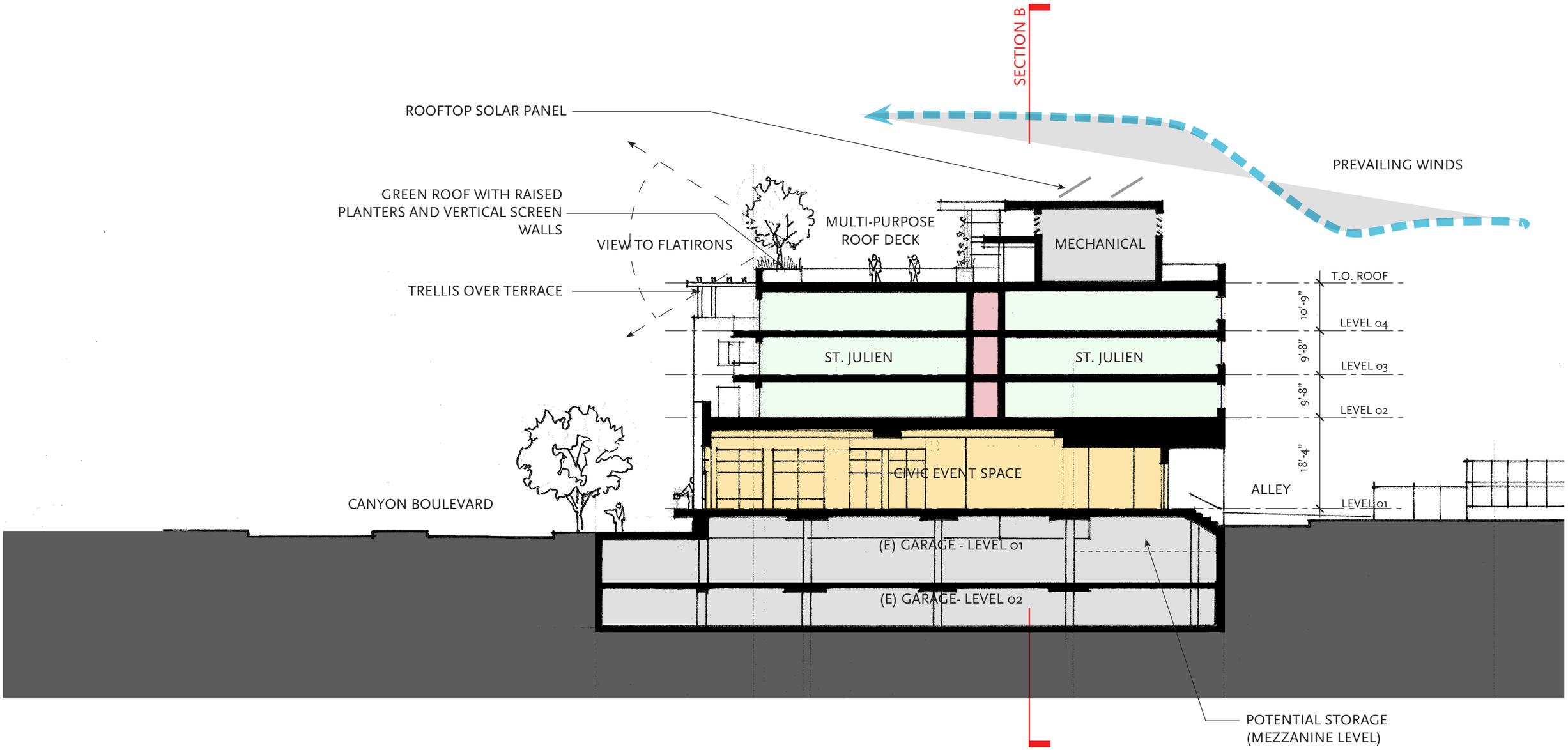


Open Event

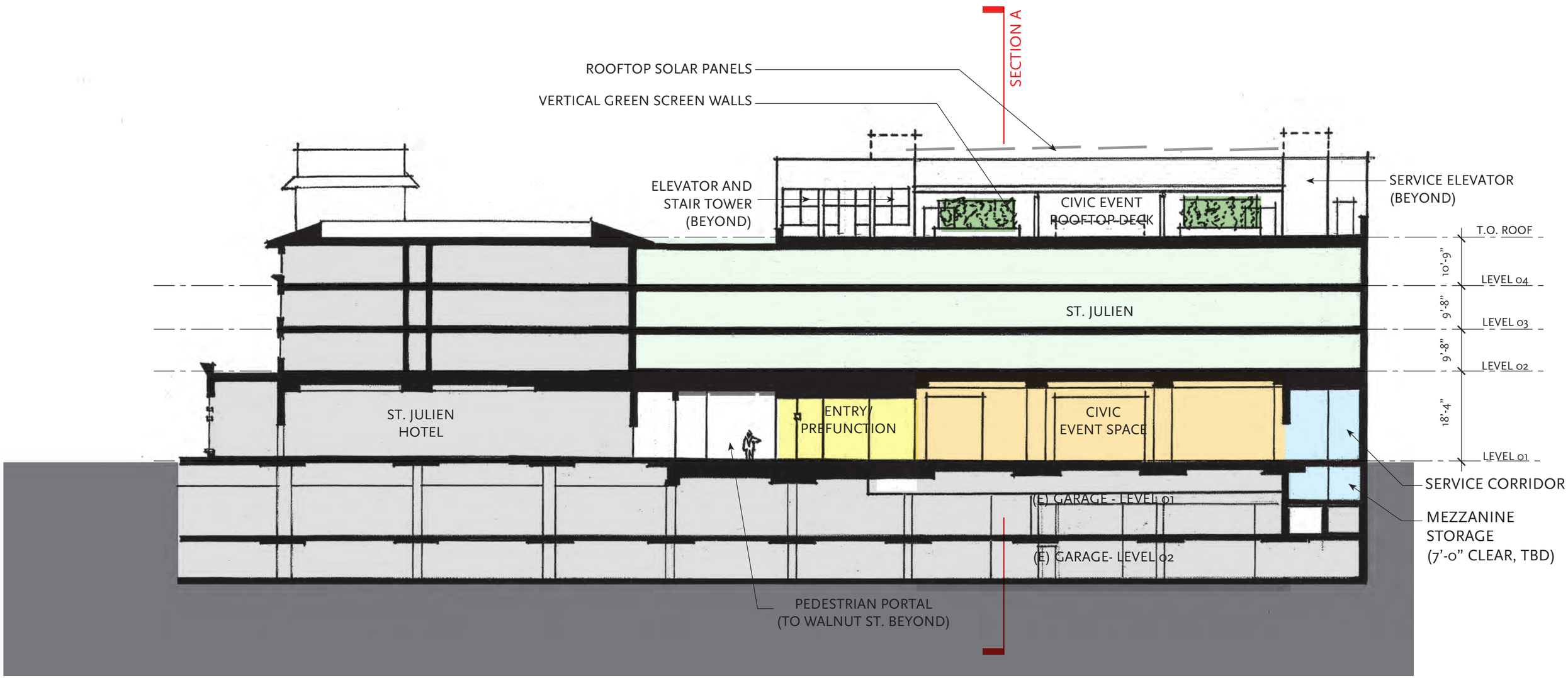


Open Event - with prefunction

Civic Event Space Configurations


SECTION B
ROOFTOP SOLAR PANEL
PREVAILING WINDS
GREEN ROOF WITH RAISED PLANTERS AND VERTICAL SCREEN WALLS
VIEW TO FLATIRONS
MULTI-PURPOSE ROOF DECK
MECHANICAL
TRELLIS OVER TERRACE
T.O. ROOF
10'-9"
LEVEL 04
ST. JULIEN
ST. JULIEN
9'-8"
LEVEL 03
9'-8"
LEVEL 02
18'-4"
CIVIC EVENT SPACE
ALLEY
LEVEL 01
CANYON BOULEVARD
(E) GARAGE - LEVEL 01
(E) GARAGE- LEVEL 02
POTENTIAL STORAGE (MEZZANINE LEVEL)

Section A

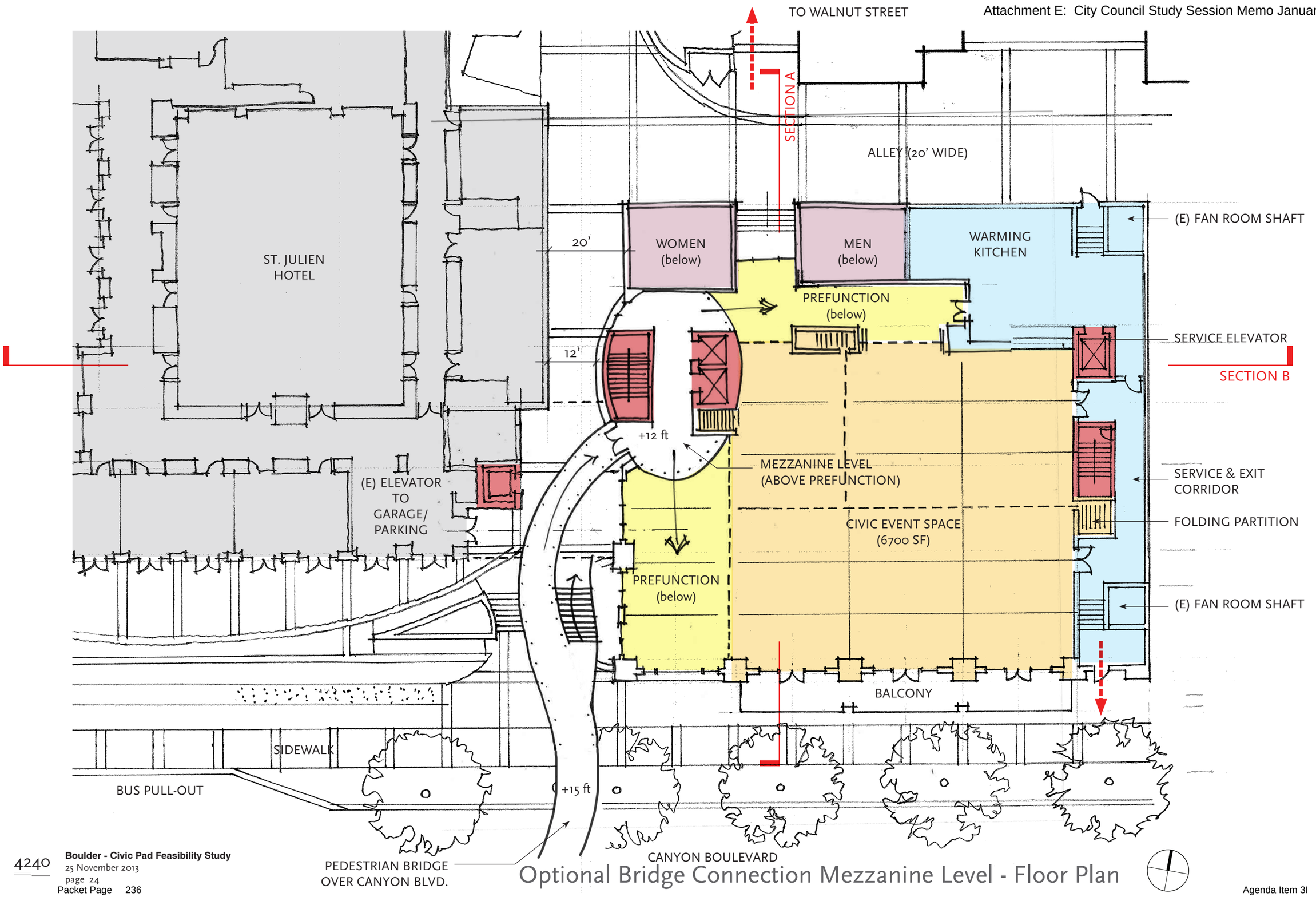

SECTION A
ROOFTOP SOLAR PANELS
VERTICAL GREEN SCREEN WALLS
ELEVATOR AND
STAIR TOWER
(BEYOND)
CIVIC EVENT
ROOFTOP DECK
SERVICE ELEVATOR
(BEYOND)
T.O. ROOF
10'-9"
LEVEL 04
9'-8"
LEVEL 03
9'-8"
LEVEL 02
18'-4"
LEVEL 01
ST. JULIEN
ST. JULIEN
HOTEL
ENTRY/
PREFUNCTION
CIVIC
EVENT SPACE
SERVICE CORRIDOR
(E) GARAGE - LEVEL 01
MEZZANINE
STORAGE
(7'-0" CLEAR, TBD)
(E) GARAGE- LEVEL 02
PEDESTRIAN PORTAL
(TO WALNUT ST. BEYOND)

Section B

Massing Model - view from southeast

Massing Model - view from southwest

06 Optional Bridge Connection

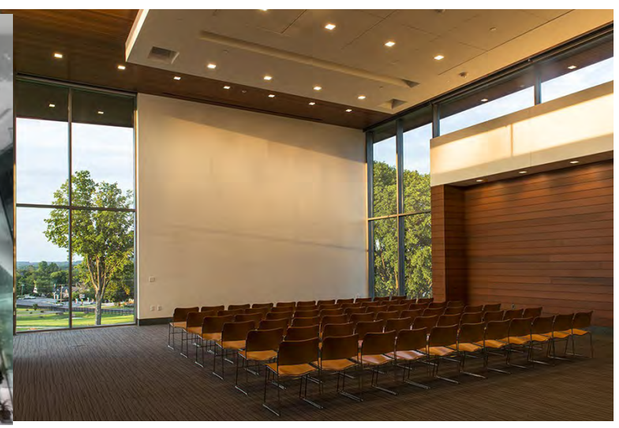


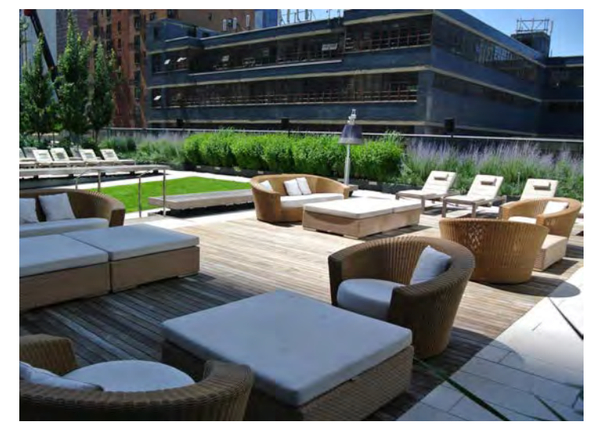
Optional Bridge Connection Mezzanine Level - Floor Plan

Optional Bridge Connection - Across Canyon Blvd.

Optional Bridge Connection - Across Canyon Blvd.

Optional Bridge Connection - Across Canyon Blvd.





Conference/Civic Event Space

Rooftop Deck- Civic Event Space

Precedent

Boulder Urban Renewal Plan

Ninth & Canyon

1995 Revised Plan

Adopted:

Boulder Urban Renewal Authority, April 6, 1995

Boulder Planning Board, May 11, 1995

Boulder City Council, July 11, 1995

Boulder Urban Renewal Authority

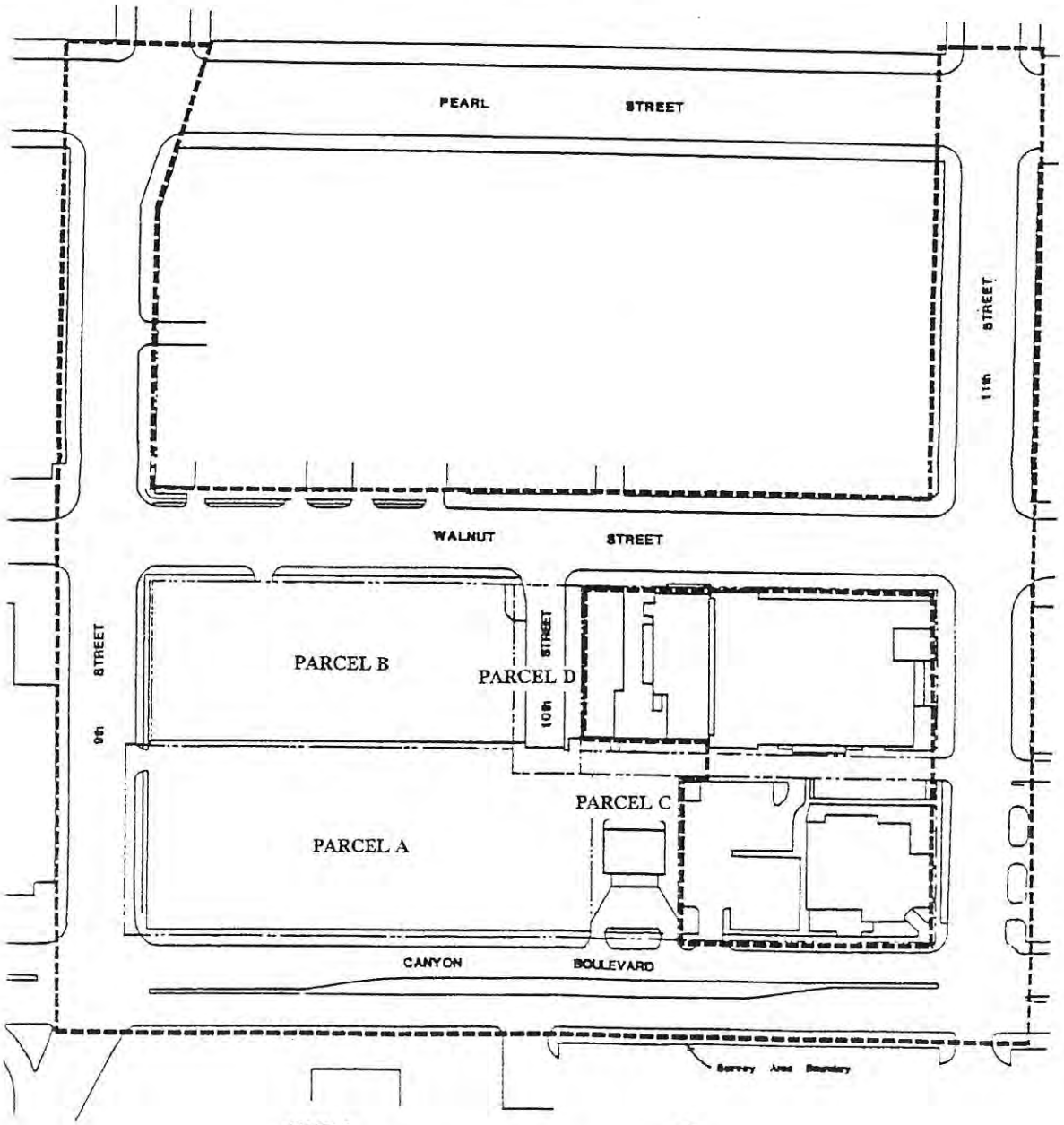
I. INTRODUCTION

A. PREFACE

This plan has been prepared by the Boulder Urban Renewal Authority pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, C.R.S. The administration of this project and the enforcement of this plan, including the preparation and execution of any documents implementing it, shall be the responsibility of the Boulder Urban Renewal Authority.

B. PROJECT AREA BOUNDARIES

The boundaries of the project area are illustrated on the following map:



BURA
BOULDER URBAN RENEWAL AUTHORITY
SURVEY OF 9TH STREET AND CANYON BOULEVARD SITE

The project area boundaries are described as follows:

Beginning at a point that is the intersection of the southerly ROW line of Canyon Boulevard, and the westerly ROW line of 9th Street; then northwesterly along the westerly ROW line of 9th Street, to a point that is the intersection of the westerly ROW line of 9th Street , and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 9th Street;

Then southeasterly along the easterly ROW line of 9th Street, to a point that is the intersection of the easterly ROW line of 9th Street, and the northerly ROW line of Walnut Street;

Then northeasterly along the northerly ROW line of Walnut Street, to a point that is the intersection of the northerly ROW line of Walnut Street, and the westerly ROW line of 11th Street;

Then northwesterly along the westerly ROW line of 11th Street, to a point that is the intersection of the westerly ROW line of 11th Street, and the northerly ROW line of Pearl Street;

Then northeasterly along the northerly ROW line of Pearl Street, to a point that is the intersection of the northerly ROW line of Pearl Street, and the easterly ROW line of 11th Street;

Then southeasterly along the easterly ROW line of 11th Street, to a point that is the intersection of the easterly ROW line of 11th Street, and the southerly ROW line of Canyon Boulevard;

Then southwesterly along the southerly ROW line of Canyon Boulevard to the point of beginning.

Excepting the following:

All of Lots 1, 2, 3, 4, 5, 6, 9, 10, 11, and 12, Block 44, Boulder Plat (Original Town);

The easterly 25 feet of Lot A, Block 44, Boulder Plat (Original Town);

The easterly 10 feet of 10th Street, vacated by City Ordinance 3010;

All that portion of the improved alley that is located in Block 44, Boulder Plat (Original Town).

C. PROJECT PURPOSES

An Urban Renewal Plan for the Ninth and Canyon site in downtown Boulder has been developed to achieve the following purposes:

1. To implement the Boulder Valley Comprehensive Plan.

2. To eliminate existing conditions in the Urban Renewal Area that are detrimental to the project area, adjacent neighborhoods and facilities, and to the City as a whole.

3. To redevelop and rehabilitate the area in a manner which is compatible with and complementary to existing development and uses in the general area, and to provide an improvements framework which is based on community-wide goals and values.

4. Through redevelopment, contribute to a sustainable downtown Boulder community and economy.

5. To facilitate the redevelopment of the area by private enterprise by cooperating with other public bodies to provide needed infrastructure improvements.

6. To effectively utilize undeveloped and underdeveloped land.

II. URBAN RENEWAL ELIGIBILITY

A. GENERAL AREA DESCRIPTION

The project area is located on the western portion of the block bounded by 9th Street, Canyon Boulevard, Walnut Street and 11th Street. It is comprised of four parcels totaling 2.89 acres in area. Parcel A, owned as of April 1995 by St. Julien Partners located in Boulder, Colorado, is an unpaved, unimproved lot. Parcel B is a paved public parking lot owned by the Central Area General Improvement District (CAGID). Parcel C, also owned by St. Julien Partners, contains the only built improvement in the area, the old Chamber of Commerce building. Parcel D is comprised wholly of the 10th Street right-of-way.

B. SITE SURVEY CONDITIONS

The following conditions were documented on the site in 1988 and served as the basis for the initiation of the urban renewal planning process:

Environmental Conditions

- The majority of the site is in the 100 year floodplain.
- A portion (approx. 25%) of the site is in the 100 year "floodway".
- Canyon Boulevard is a high noise corridor (61 decibels).
- Site drainage is very poor on the unpaved portions (Parcel A).
- The majority of the site has a very high ground water table.

Site Utilization

- Most of the site is vacant except for parking uses - the overall Floor Area Ratio (F.A.R.) is approximately 0.03. (F.A.R. is the ratio of building size to site size). The City Planning Department's criteria for "significantly underutilized" land in the downtown is a F.A.R. below 0.49.
- Access to and circulation within the site is seriously deficient, particularly for emergency vehicles (mainly fire apparatus).

Traffic/Streets

- The 9th and Canyon intersection is mis-aligned. Southbound 9th Street traffic has difficulty finding the proper 9th Street lane to enter on the south side of Canyon Boulevard.
- Excessive speeds and heavy traffic volumes on 9th Street create pedestrian crossing problems, particularly at Walnut Street.
- The 9th and Canyon intersection had 15 accidents in 1987, tying for 22nd place of all intersections in the City.
- Paving on 10th Street (a public right of way) is seriously deteriorated with sidewalk on one side only.
- Deteriorated curb, gutter and sidewalks occur along Canyon Boulevard, 9th Street and Walnut Street.

Site Improvements

- On-site spot drainage and severe pothole and erosion problems occur on the unpaved portions (Parcel A and alleyways) of the area.
- Landscaping is seriously deficient throughout the area.
- Site lighting is deficient, particularly on Parcel A.
- On-site directional signage is inadequate.
- Driveway and access definition is inadequate.
- Site maintenance is seriously deficient. On-site debris is prevalent.
- Some on-site exterior structures (walls, fences, etc.) are deteriorated.
- Pedestrian and bicycle facilities are almost non-existent.

Utilities

- Water mains are old (25-30 years) and may not meet current standards, but do not present any capacity, pressure, or maintenance problems at this time.

Fire Protection/General Health and Safety

- Fire apparatus access to car fires is very difficult because of the condition of the unpaved parking surface and poor driveway definition.
- Public hydrants are inadequate in terms of number and location.
- It is difficult to access the rear of adjacent buildings.
- Overhead power lines create a hazard for firefighting personnel using highly mechanized equipment.
- Seventeen crimes, mostly automobile related, occurred in the study area between June 1986 to April 1988. This is a relatively high crime rate for a parking lot.

III. DEVELOPMENT PLAN

A. COMPREHENSIVE PLAN AND LOCAL STANDARDS

1. Land Use and Planning Criteria

Determination of land use and densities, major circulation routes, public facilities and planning criteria are based on the Boulder Valley Comprehensive Plan, City Land Use Regulation, Subdivision Ordinance, Building Code and this Urban Renewal Plan.

The Context Guidelines for Project Area Development (Section III, C) and the Project Area Development Guidelines (Section III, D) will be applied by the Authority when providing a recommendation to the Planning Board during the site review process, (B.R.C. 9-4-10). In addition, the Downtown Design Advisory Board (DDAB) or its successor, will review development proposals and will make recommendations to the Authority and Planning Board during the site review process. The guidelines set forth in Section III, C and Section III, D may be waived or modified by the Authority for a specific redevelopment project.

2. Planning Conformance

The Urban Renewal Plan is in conformance with the Boulder Valley Comprehensive Plan in respect to land use and densities, transportation and other public facilities, and meets the intent and goal of the Comprehensive Plan for development which could include opportunities for shopping, support services and public facilities, including parks and other civic uses. Specifically, the Comprehensive Plan's Community Design and Central Area policies state:

Community Design
"New residential, commercial and industrial development and redevelopment shall be encouraged to follow sound and innovative land use planning. The goals are to provide a livable built environment and, through the judicious use of landscaping, materials and human scale, to respect the character of the surrounding area." (p. 8).

Central Area Programs
"The City of Boulder, through the merging of public and private interests, shall seek to retain the Central Area of the Boulder Valley as the primary governmental, cultural, office, financial, entertainment, shopping, medical facility, and high density residential district of the Boulder Valley.

The Downtown shall retain its historic role as the governmental, entertainment, office, and financial center of the Boulder Valley. It shall continue to develop as a specialty retail center. This shall be accomplished by coordinating concerted and comprehensive public policies and investments with private redevelopment and rehabilitation efforts." (p. 139).

B. GENERAL DESCRIPTION OF THE DEVELOPMENT PLAN

The Development Plan will require the redevelopment of the project area to address the following:

1. Mixed and/or multi-use development that incorporates a combination of hotel and ancillary hotel services as primary uses. Civic uses (such as recreation center, museum, cultural center, City office space, and transit facilities as specified under Section III, E.2.d of this plan), will occupy a minimum of 20% of the gross floor area developed in the project area.

2. If a viable project is not in the process of approval or development prior to April 18, 1998, the City Council shall consider reopening this urban renewal plan to permit alternative land uses.

C. CONTEXT GUIDELINES

The Ninth and Canyon project area is located in the Walnut/Canyon corridor of downtown Boulder. Redevelopment efforts during the last twenty years have resulted in an area comprised of office buildings, restaurants, banks and surface parking lots. This corridor, which is located between the historic commercial area and the civic park, has limited retail uses, street life and pedestrian activity. The goal of an enhanced and vital downtown can be promoted with a mix of quality uses and developments that encourage pedestrian activities. These guidelines will set a standard for other redevelopment parcels along the Walnut/Canyon corridor.

The following guidelines establish the Authority's objectives for the redevelopment of the project area. Development proposals will be reviewed according to the guidelines. Such review will be a responsibility of DDAB or its successor, and as such made a part of the site review process identified in the City of Boulder Land Use Regulation. Design integrity will be project specific. Massing, location, character, materials, setbacks, height, circulation, open space and other elements must work in relation to each other and as parts of a whole.

Therefore, the specific definition and application of Section III C and D will vary according to project specific design considerations. The guidelines are not intended as a design checklist. They are intended to suggest the type and range of options requiring serious consideration.

1. Walnut/Canyon Corridor Redevelopment Guidelines

- Retail activity at the street level
- South facing urban open spaces and buildings
- Landscaping along Canyon Boulevard
- Pedestrian access corridors through redevelopment sites
- A gateway element at Ninth and Canyon
- Streetwalls and spaces framed by buildings on Walnut Street
- Open space, building openings, setbacks and orientation which frame the southerly views

2. General Development Guidelines

Regional Access Regional access to the project area is excellent because of its location along Canyon Boulevard. Uses and development which require this type of access should be considered for the project area, with heavy emphasis on transit and alternative modes.

Western Gateway to Downtown The project area is a unique gateway to downtown because of its location on the western edge of the city and within the viewshed of Canyon Boulevard and Boulder Creek. Uses and development can help to identify this gateway with special uses, development and design features. It can also provide an anchor in the western part of downtown and a link to adjacent residential neighborhoods, the civic center and the Boulder Creek corridor.

Downtown and Neighborhood Connections Ninth and Canyon is located close to the Downtown Mall, the Civic Park, the Library, the West Pearl shopping area, other major downtown destinations and residential neighborhoods. Connections to these facilities through the Ninth and Canyon project area are important to reinforce the overall unity of downtown and to promote a pedestrian environment in downtown. In addition, efforts should be made to avoid the negative impacts of vehicular traffic on the core area neighborhoods.

Quality Development The project area is located within the Walnut/Canyon corridor, an area comprised of large banks, mixed use buildings and large surface parking lots. Future downtown development within this corridor should improve the pedestrian and fulltime character of downtown, and encourage a more sustainable utilization of downtown properties. Corridor development should link the Civic Park and Walnut/Canyon corridor with the historic commercial area.

3. Area Development Guidelines

Pedestrian Access Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon. Provide pedestrian access corridors to and through the project area. Maximize use of the 10th street alley, sidewalks, and possible public improvements along Canyon, 9th and Walnut.

Intersections and Entrances Recognize the features and uses which provide a distinctive image at the Ninth and Canyon intersection. Develop compatible intersection features at 9th/Walnut and 10th/Walnut to relate development of the project area to the adjacent neighborhoods. Landscaping, public uses, and building features should reinforce the intersections.

Public Improvements Civic improvements should enhance the functions and image of the project area. These improvements should be considered for the 10th street alley and pedestrian connections across Canyon, 9th and Walnut and the Canyon, 9th, Walnut streetscapes.

Physical Development and Buildings Develop multiple use buildings to provide fulltime activity in the project area. Physical development should reinforce the attributes of the project area and downtown Boulder, incorporating traditional elements that are adaptable to a variety of uses. Provide streetwalls along Walnut Street to enclose and frame public spaces. Upper level stepbacks should be used to minimize street level shadows and pedestrian scale features along the sidewalk.

Open Space Develop usable open spaces. Provide community and neighborhood facilities for sitting, relaxing, community gatherings, and local activities.

D. SITE DEVELOPMENT GUIDELINES

The following guidelines establish the Authority's objectives for the redevelopment of the project area. The guidelines represent a range of development options and are not intended to be a design checklist. A specific project will not necessariiy be required to address or fulfill all of the guidelines.

1. Encourage the development of buildings that provide a mix of uses to provide full time activity within the project area.

   1.1 Encourage a mix of uses on the site with lodging units or civic uses on the upper levels.

   1.2 Respect and enhance the character of the street with small scale pedestrian oriented commercial activities along Walnut and 9th Street.

   1.3 Establish the Ninth and Canyon project area as a community focal place with uses, buildings and improvements that attract community activities and interaction.

   1.4 Encourage secondary special uses, such as educational, recreational, cultural and civic uses, which complement the primary uses of the project area.

   1.5 Develop a building complex to:
   - Reduce the apparent mass and bulk of the building
   - Express the varied uses of the site
   - Reflect the mixed use environment of downtown Boulder

   1.6 No individual project should become an enclave.

   1.7 Accentuate different portions of the buildings with various materials to reflect the different uses and functions of the buildings.

   1.8 Develop public outdoor spaces with uses and functions that will add interest and character to Ninth and Canyon and downtown Boulder.

2. Physical development should reinforce the unique attributes of the site and its relationship to downtown Boulder.

   2.1 Address the potential shade impact to Walnut with elements such as stepping back upper portions of taller buildings, streetscape design, street lighting, building illumination and ice deterrent.

   2.2 Encourage special features to convey a unique development character along Canyon Boulevard and Ninth Street.

   2.3 Provide building elements along Walnut to reinforce the historic commercial and pedestrian character of downtown.

   2.4 Physical development should enhance the downtown identity while creating an individual image at Ninth and Canyon.

2.5 Public interest should be provided by the use of pedestrian scale applications of first story details, facade details, and pedestrian scale features.

2.6 Any parking storage should be compatible with adjacent buildings.

2.7 Establish appropriate streetwalls and building setbacks along 9th Street, Walnut Street, and Canyon Boulevard (streetwalls are buildings which frame street spaces).

3. Establish a physical gateway to downtown Boulder at Ninth and Canyon by developing special features and uses which provides a distinctive image.

3.1 Building setbacks, design, massing, orientation and height should reinforce the significance of the Ninth and Canyon intersection.

3.2 Physical development should reinforce the significance of the Ninth and Canyon intersection.

3.3 The project should provide public art and landscaping at the Ninth and Canyon site to reinforce the Ninth and Canyon intersection. The intersection could be strengthened by establishing design elements common to both Boulder Creek and the project area, and by establishing view corridors from the project area to public art along Boulder Creek.

4. Provide and enhance pedestrian connections within downtown and adjacent neighborhoods at Ninth and Canyon.

4.1 A pedestrian link on the east side of the project area, along the 10th Street alignment should be provided through the site to connect south toward the library, and north toward Pearl Street. This and other pedestrian links should reinforce the downtown grid pattern and provide a more interesting and diverse pedestrian environment within the downtown.

4.2 Pedestrian facilities should link developed uses within the project area and should provide access to adjacent pedestrian destinations.

4.3 Landscaped sidewalks should be provided along Walnut, 9th, and Canyon to enhance the pedestrian environment leading to the project area and within downtown.

4.4 Provide for an on-site transit center/stop integrated with the sidewalk and buildings to facilitate transit access.

4.5 Enhance linkages to all transit facilities with information, education, directional signs and convenient and comfortable facilities.

5. Provide quality public space.

5.1 Public spaces should be large enough to accommodate scheduled and informal special events.

5.2 Design public spaces to incorporate drainage and floodhazard conditions associated with Boulder Creek.

5.3 Public spaces should be urban in character to complement the mixed use image of downtown.

5.4 Public spaces should be oriented south to the greatest extent possible to enhance solar access.

5.5 Public spaces should be oriented to the greatest extent possible to views of the Flatirons, Boulder Creek and the mountains to the west of Boulder.

5.6 Provide ample places to sit, relax, and eat meals.

6. Public improvements should enhance the function and image of the project area.

6.1 Develop special intersection improvements at Ninth and Canyon that may incorporate vertical gateway features, decorative street lights, landscaped medians, street accent paving, and corner landscape improvements.

6.2 The project should be designed to accommodate, and could participate in funding a possible future pedestrian/bicycle underpass (similar to the one at Broadway/College) across Canyon Boulevard at 10th Street to enhance access to the Civic Park.

6.3 The City could develop midblock pedestrian improvements at 10th/Walnut to link the project area to Pearl Street along the 10th Street corridor. This would be a portion of a larger pedestrian connector between the Civic Park and Pearl Street.

E. PUBLIC IMPROVEMENTS

Improvements will be made to provide the infrastructure necessary to carry out the objectives of the Plan. Such improvements include, but are not limited to:

1. Environmental

a) Floodplain Improvements - Any uses will meet the City's Floodplain Regulation (Chapter 9-9, B.R.C. 1981). No structures intended for human occupancy will be allowed in the high hazard zone or the conveyance zone. Uses in the floodplain will be fully protected from the 100 year flood.

b) Erosion and Storm Drainage - Erosion problems will be eliminated through development of the site. Storm drainage improvements will be made as necessary.

2. Land Utilization

The current floor area ratio (F.A.R.) for the project area is approximately 0.03. The City of Boulder Planning Department's criteria for "significantly underutilized" land in the downtown is an F.A.R. below 0.49. Implementation of this Plan will result in an F.A.R. of approximately 1.50.

3. Streets/Access/Circulation

a) Street improvements, to the extent required by the development plan, will be completed. A portion of 10th Street between Walnut and Canyon may be closed to vehicular traffic and resurfaced, to encourage and enhance safe pedestrian movement; and curbs, gutters and sidewalks will be replaced or repaired as needed. New traffic control and other intersection improvements will be made as needed.

b) Off-Street Parking - Parking located in an underground structure must provide for the replacement of the existing Central Area General Improvement District (CAGID) spaces, provide for the parking requirements of the proposed development and allow for additional parking to offset the increase in parking demand that development in the project area will generate in adjacent areas. The latter requirement will be explicitly defined in a CAGID/BURA cooperation agreement at the time the project area is redeveloped. This plan supersedes the provision of the RB-X zone district that permits non-residential development without parking facilities if located in a mandatory parking district.

c) Pedestrian and Bicycle Circulation - A system of pedestrian facilities that may include walks, a pedestrian mall, an atrium, pocket park and landscaped open spaces will be provided. Bike parking areas will be provided to encourage bike access.

d) Transportation Facilities - Significant facilities for alternative modes of transportation must be incorporated into the development plan with the objective of reducing the amount of parking that will be required in the project area. The goal shall be at least a 15% reduction in projected single occupant vehicle trips to and from the project area. If a hotel use is developed as identified in section III, B. 1 of this plan, shuttle service to Denver International Airport and possibly other locations will be required.

4. Site Improvements

a) Landscaping, Signage and Lighting - A landscaping plan will be developed and implemented to provide enhancement of the non-building portions of the project area.

b) Open Spaces - In addition to landscaped open spaces, other publicly accessible improvements such as a plaza, pedestrian mall, an atrium, and a pocket park may be provided. A

minimum of 50,000 square feet of open space and landscaped areas is planned. However, the specific requirements of this Plan for the provision of open space will be determined through the Site Review process.

c) Additional fire hydrants, stand pipes, etc. will be provided as needed to meet City Fire Code regulations.

F. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

1. The land use, design and construction of development in the project area shall comply with the City of Boulder's RB-X Zoning, the Downtown Design Guidelines, and other applicable provisions of the Boulder Land Use Regulation (including site and use review as applicable). Under the provisions of this Plan, parcels A (unimproved lot), B (CAGID parking lot) and C (old Chamber of Commerce Building) will be required to be developed in a coordinated manner.

2. All development must conform with the provisions and purposes of this Plan, and with all applicable laws, ordinances and codes.

IV. IMPLEMENTATION PROGRAM

A. PROJECT ACTIVITIES

1. PROPERTY ACQUISITION

No land will be acquired by the Authority and therefore no provisions are provided in this plan for owner participation, property management, relocation, or property disposition.

2. DEMOLITION, CLEARANCE AND SITE PREPARATION

The Authority will require any developer to demolish structures and other improvements and to clear and prepare the site for redevelopment in accordance with this Urban Renewal Plan.

3. PUBLIC IMPROVEMENTS AND FACILITIES

The Authority may install and construct, or cooperate as appropriate with developers and other public or private agencies, in the installation and construction of such public improvements, public facilities and utilities as necessary to carry out this Plan.

Such improvements, facilities and utilities include, but are not limited to, streets, curbs and gutters, sidewalks, bike paths, street lights, traffic signals; sanitary and storm sewers; water, electrical, gas and telephone distribution systems; parks, plazas and landscaped areas; and public transit facilities.

4. REDEVELOPMENT

Purchasers or owners of property within the project area shall be obligated to develop the property in accordance with the provisions of this Plan and the design standards and criteria established by the Authority, to begin and complete the development of the property within a period of time which the Authority fixes as reasonable, and to comply with such other conditions as the Authority deems necessary to assure the achievement of the purposes of this plan.

B. PROJECT FINANCING

1. METHODS OF FINANCING

The Boulder Urban Renewal Authority is authorized to finance this project by any method authorized under the Colorado Urban Renewal Law, or any other applicable law, including appropriations from the City of Boulder, federal loans and grants, interest income, property or sales tax increments, or any other available source.

The Authority is authorized to issue bonds in an amount sufficient to finance all or part of the project. The Authority is authorized to borrow funds and create indebtedness in carrying out this plan. The principal and interest on such indebtedness would be paid from tax increments or any other funds available to the Authority.

The economic feasibility of any redevelopment proposal will be reviewed by the Authority at the time the project is submitted for development review. The specific extent and nature of Authority economic participation in the project will be assessed at that time.

2. TAX INCREMENT FINANCING

This project may be financed by the Boulder Urban Renewal Authority under the tax allocation financing provisions of the Urban Renewal Law of the State of Colorado. However, the use of tax increment financing will be dependent on securing a City of Boulder/BURA cooperation agreement. The general provisions of the financing method are set forth below. In compliance with the requirements of §31-25-107(9)(d), C.R.S. the Boulder Valley School District of the County of Boulder, Colorado, has been permitted to participate in an advisory capacity concerning the project financing included in this Plan. Under the financing method, property taxes as levied after the effective date of the approval of this Plan upon taxable property in the Urban Renewal Area each year, and all of the municipal sales taxes collected within such area, by or for the benefit of any public body, shall be divided for a period not to exceed 25 years after the effective date of adoption of this Plan as follows:

a) Base Amount

That portion of property taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in

the urban renewal area last certified prior to the effective date of approval of this Plan, and that portion of municipal sales taxes collected within the boundaries of the urban renewal area in the last 12 month period ending on the last day of the month prior to the effective date of approval of this Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, all of the taxes levied upon the taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in the urban renewal area exceed the base year municipal sales tax collections in the urban renewal area, all such sales tax collections shall be paid into the funds of the City.

b) Increment Amount

That portion of said property taxes and/or all of said sales taxes in excess of the amounts specified in a) above shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, for this Project. When the bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property and the total municipal sales tax collections in the Urban Renewal Area shall be paid into the funds of the respective public bodies.

The incremental portion of the taxes described herein shall be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with the bonds, loans, advances, and indebtedness incurred by the Authority to finance the Project, subject to the terms of any loan or bond trust indenture.

C. CHANGES IN THE APPROVED PLAN

This Plan may be modified pursuant to the provisions of the Colorado Urban Renewal Law governing such modifications, including §31-25-107, C.R.S.

D. MINOR VARIATIONS

Where a literal enforcement of the provisions contained in this Plan would constitute an unreasonable limitation beyond the intent and purpose of these provisions, the Authority may in specific cases allow minor variations from these provisions.

9c95pl.fin

ORDINANCE NO. 5714

AN ORDINANCE MODIFYING THE URBAN RENEWAL PLAN FOR THE NINTH STREET AND CANYON BOULEVARD PROJECT AREA; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the city council has adopted the "Boulder Urban Renewal Plan, Ninth and Canyon" (hereinafter called the "Plan") effective October 5, 1988; and

WHEREAS, the city council has determined that certain modifications to the land use, design, building requirements, and procedures are appropriate to update the Plan based upon current city policies; and

WHEREAS, the Plan modifications have been approved by the Board of Commissioners of the Boulder Urban Renewal Authority; and

WHEREAS, the city council has held a public hearing on the proposed Plan modifications providing a full opportunity for all residents and taxpayers of the city and other interested persons to be heard;

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

Section 1. The revised Plan, attached hereto as Exhibit A and incorporated herein by reference, for the project area, having been duly reviewed and considered, is hereby approved.

Section 2. It is hereby found and determined that Ordinance No. 5133 is amended by the substitution of the attached Exhibit A hereto as the Boulder Urban Renewal Plan for the Ninth Street and Canyon Boulevard project area.

Section 3. This ordinance shall not take effect unless and until the City of Boulder Planning Board reviews the proposed modifications and determines that such modifications conform with the Boulder Valley Comprehensive Plan, as amended.

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 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 18th day of April, 1995.

Mayor

Attest:

Director of Finance and Record
Ex-Officio City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 13th day of June, 1995.

Mayor

Attest:

Director of Finance and Record
Ex-Officio City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 11th day of July, 1995.

Mayor

Attest:

Director of Finance and Record
Ex-Officio City Clerk

BU GE o-5714.YGE

3

Attachment E: Past development Proposals and Ideas for the Civic Use Pad

1999:
Collage Children's Museum and Village Arts Coalition (VAC) proposal was endorsed by City Council.

2002:
The Collage Children's Museum withdrew from the civic use building project for financial reasons.

The Boulder History Museum (BHM) considered stepping into Collage's place as a joint partner with VAC and BHM was endorsed by Council as a civic user. However, BHM withdrew from consideration that same year.

2003/2004:
The City received the Boulder Odeum proposal to build and operate 20,000 square feet or two floors of meeting space in cooperation with the St. Julien Hotel and to complement the Village Arts Coalition. The Village Arts Coalition also came forward with an expanded proposal for the entire building. The City promoted a design process to investigate the possibility of both organizations sharing a 37,000 square foot facility. That effort did not produce a collaborative result because neither party decided to move forward due to incompatibility of uses.

In April 2004, a second 9th and Canyon Civic Use Task Force convened to review new proposals from Village Arts Coalition and the Boulder Odeum. The Task Force did not recommend either proposal because they did not meet the criteria for financial and management capability to construct, operate and maintain a facility of its size, nor did they meet the civic use criteria.

2005:
A third Civic Use Task Force met to provide input on the "hybrid" scenario combining the civic use pad with a conference center on the second floor of privately-owned adjacent properties. However, discussions ended when the adjacent private property owners withdrew their property from consideration as a conference center in November 2005.

2008:
The Boulder History Museum (BHM) expressed renewed interest in the civic use site for a new museum; however, they have located a site along Broadway.

2011:
Representatives from a group proposing a performing arts center in Boulder addressed the CUTFIV about using the civic use pad.

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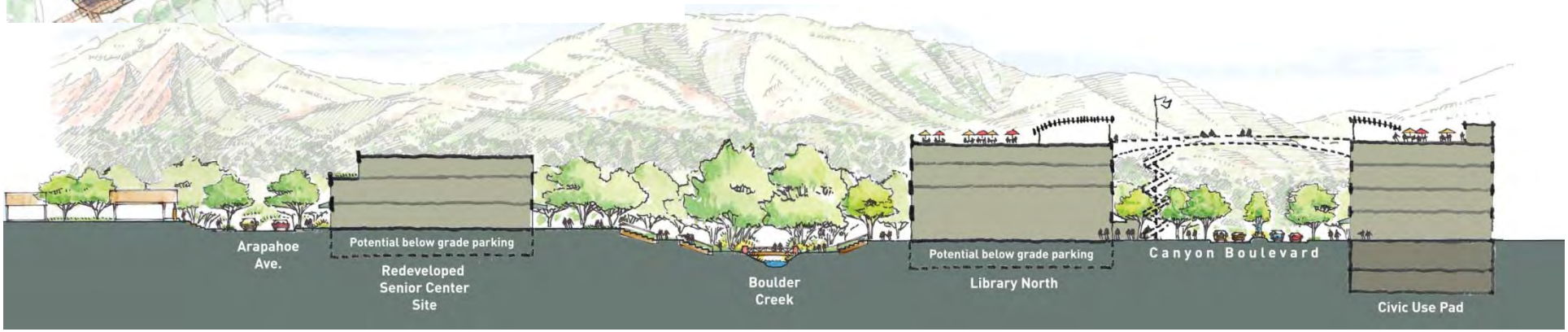
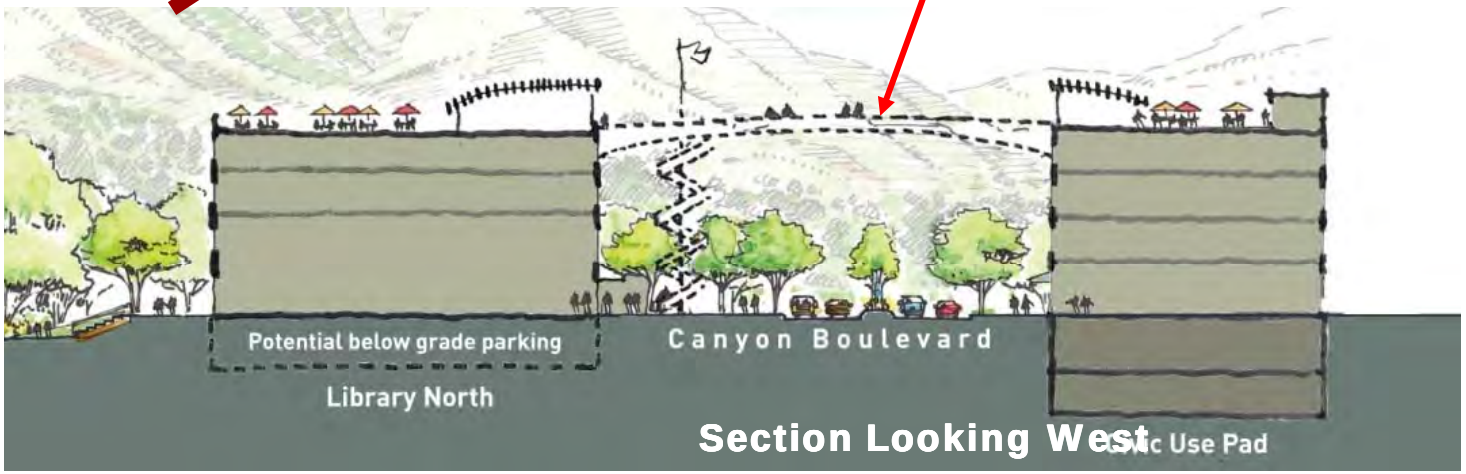
West End Possible Programs

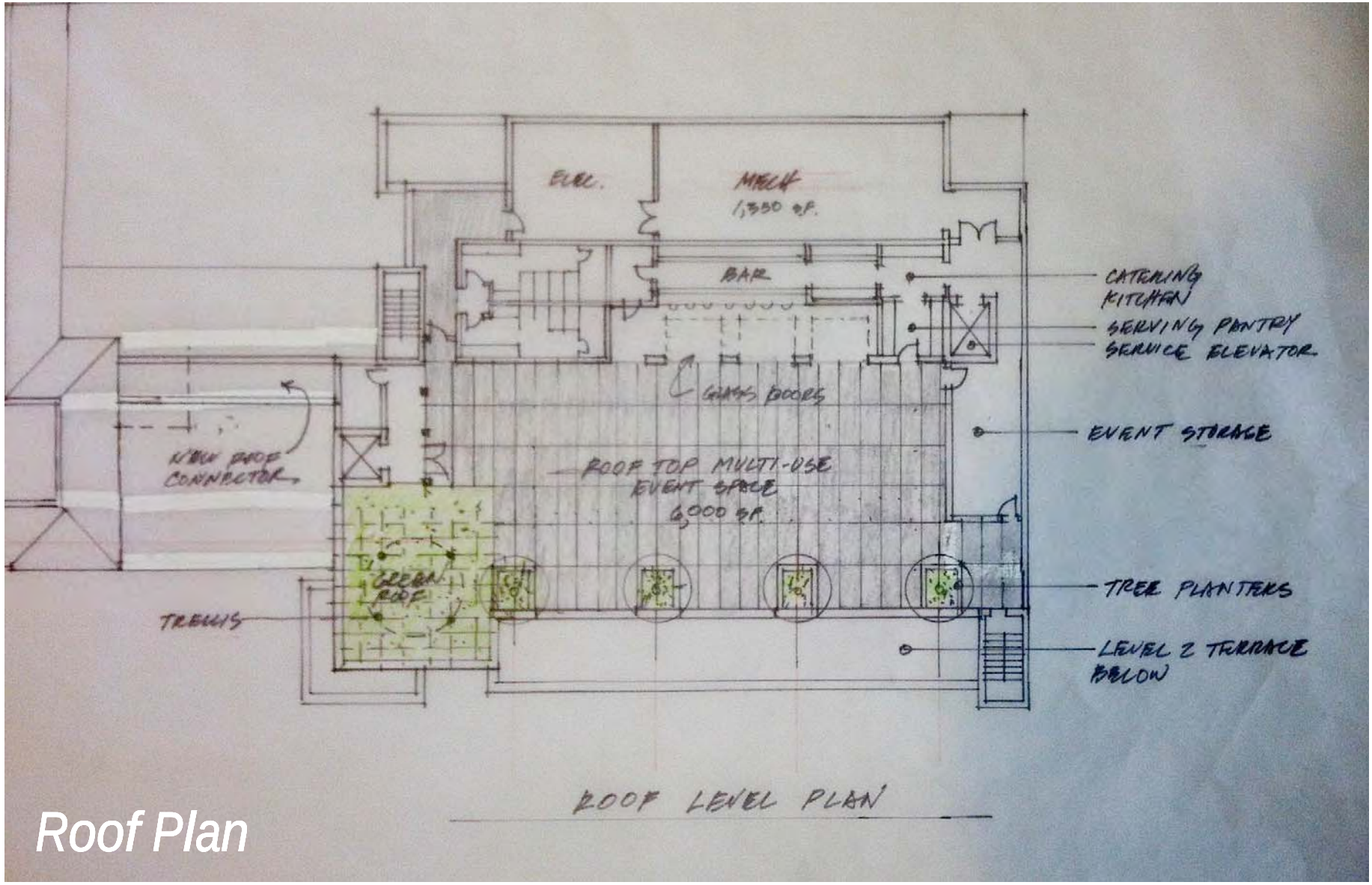
- Muni. Building
- Library Café
- Civic Use Pad
- Arts/Performance Space
- Structured Parking



Civic Use Pad

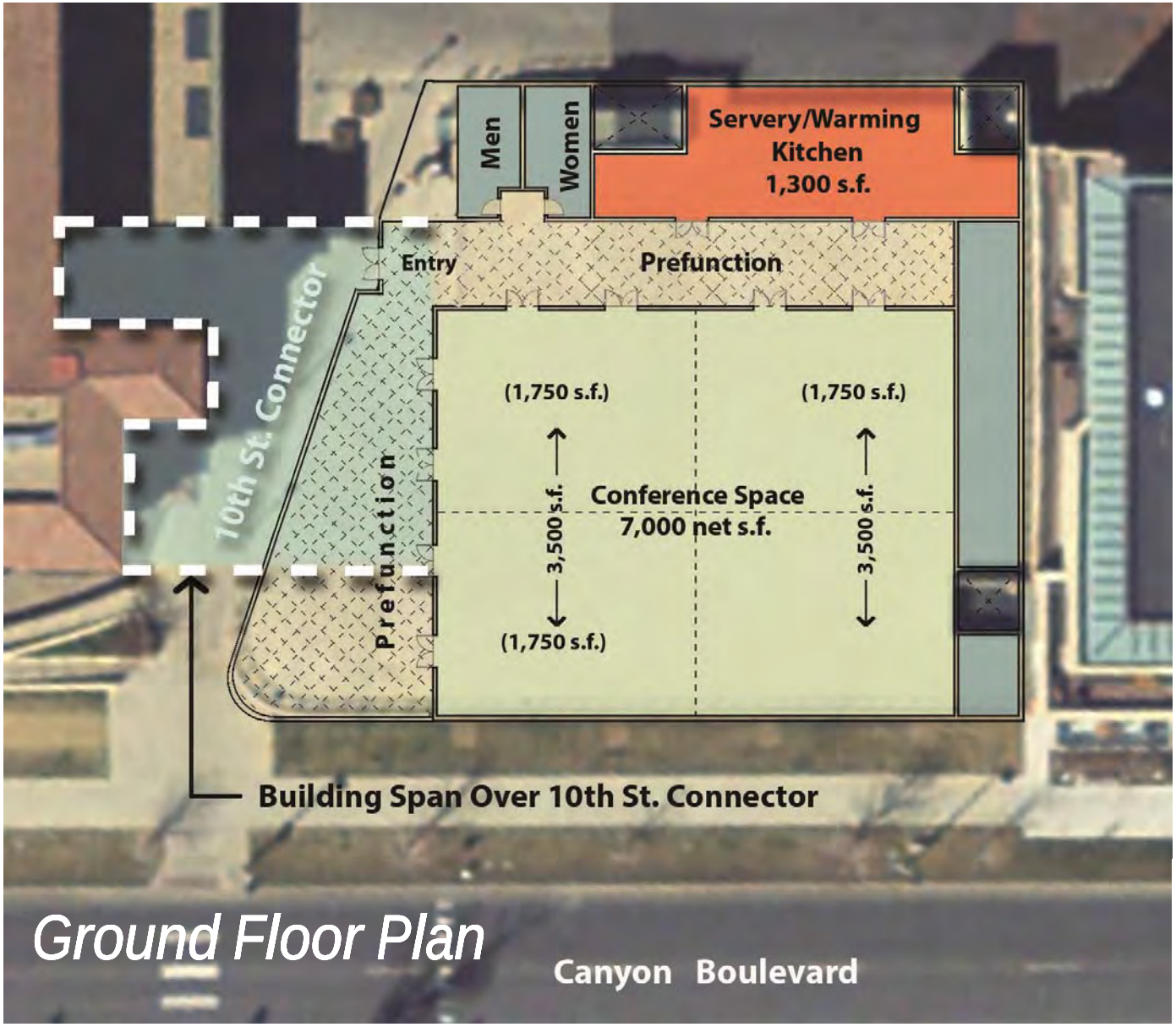


Civic Use Pad



Roof Plan

Civic Use Pad



Civic Use Pad

4-levels, with potential connection to St Julien above

Civic Use Pad

4-levels, with potential roof-top access

Civic Use Pad

Example of roof-top access

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Dear Community Organization,

On behalf of the Civic Use Task Force, I would like to get your feedback about a potential new meeting/event space as part of the Civic Use Pad adjacent to the St. Julien Hotel and are asking you fill out the attached survey form and return to Ruth Weiss at weissr@bouldercolorado.gov by August 9th.

The Civic Use Task Force is a group of citizens, representatives from city boards and organizations and city staff investigating feasible options for creating civic uses on the Civic Use Pad in partnership with the St. Julien Hotel. A current proposal creates up to 7,000 square feet of event/meeting/conference space on the first floor of a building that also includes additional hotel rooms above. Details of the proposal are included in the attached survey. The proposal for larger event space which can also be divided into smaller options is in response from the community to have more options within Boulder for local events of all kinds.

The options for the Civic Use Pad are being considered within the context of the Civic Area Plan, please see attached image. The north wing of the library has a potential to redevelop as a small to mid-sized performing arts facility. Its proximity to St Julien Hotel, the potential multi-use event space on the first floor of the Civic Use Pad, and a potential arts/museum facility at a repurposed Municipal Building, would create a unique and vibrant mix of synergetic uses at the West End of the Civic Area.

We would appreciate your feedback and comments on this potential new opportunity for more civic space. If you have any questions please send them to me via email, winterm@bouldercolorado.gov.

Sincerely,

Molly Winter
Director
Downtown and University Hill Management Division/Parking Services
City of Boulder

Preliminary concept for a Multi-Use Event Space at the Civic Pad at the St. Julien Hotel
July 11, 2013

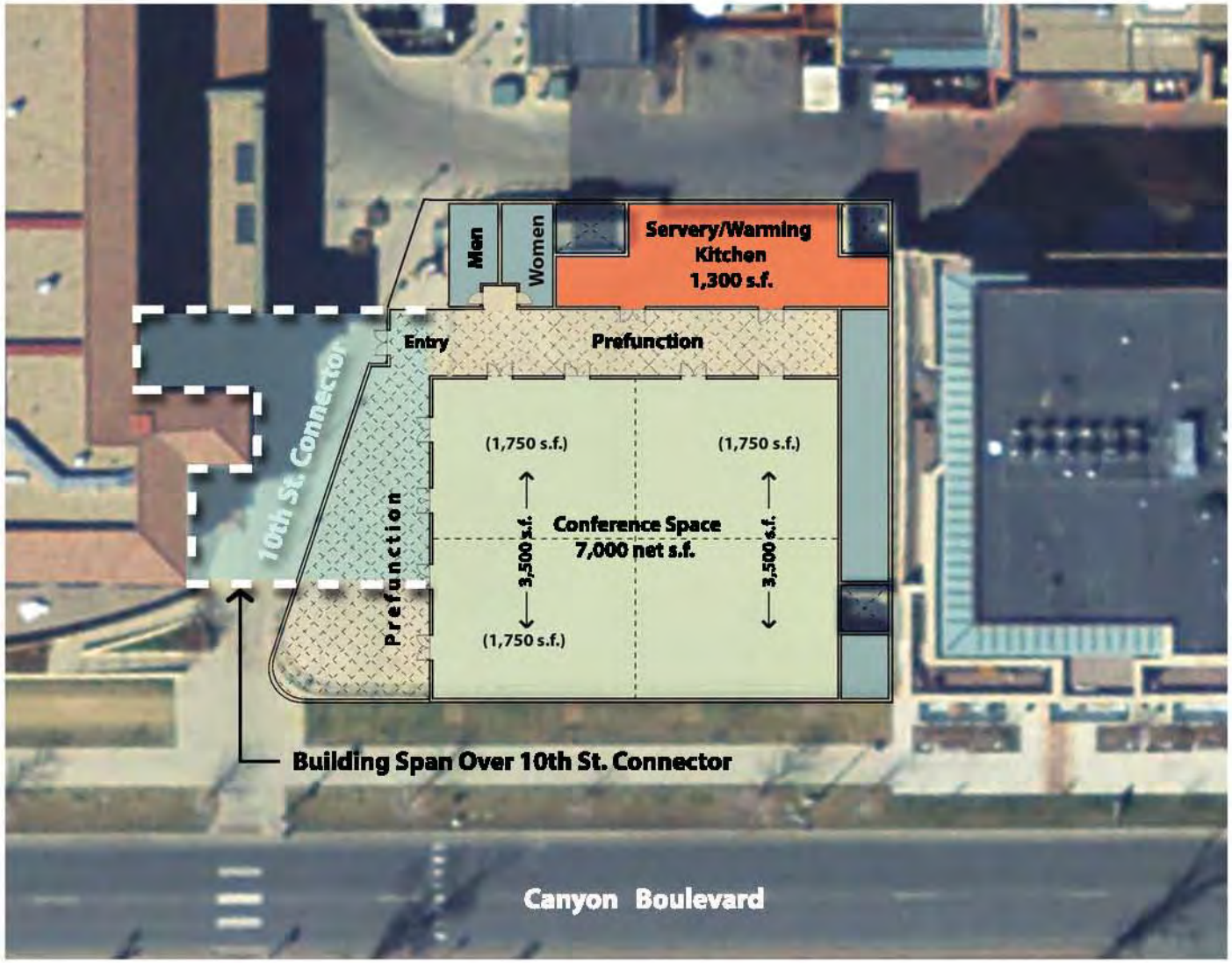
A citizen task force has been working with the St. Julien Hotel to develop ideas to incorporate an appropriate civic use into a potential building on the pad adjacent to the hotel along Canyon.

A concept under consideration by the task force and the St. Julien is a building with a first floor multi-use event space with views towards Canyon Boulevard and the Flatirons. We are seeking input from local non-profit and community organizations to ascertain their potential interest in and parameters for using such a multi-use facility in downtown Boulder. We would appreciate your participation in a short survey so that we can evaluate the demand for such a space and understand its financial feasibility.

A diagram of the space is presented below. The space is envisioned with the following attributes:

- 7,000 square feet contiguous event space also divisible into a variety of smaller configurations of two spaces of 3,500, or three spaces of 1,750 square feet; the attached chart indicates the potential estimated occupancies based on different types of events;
- Exterior pre-function space;
- The space will have a fee that is yet to be determined;
- A catering kitchen with the option of using an approved list of caterers in addition to the food services of the St. Julien;
- Potential access to roof top open-air facilities;
- Access to public parking available in the underground garage;
- Alcohol service available by the St. Julien; donated alcohol allowed provided in compliance with state and local liquor licensing laws concerning donated alcohol to non-profit and charitable organizations.

Room	Sq Ft	dimensions	Theatre 10/sqft	Classroom 20/sqft	Banquet 16/sqft	Reception 12/sqft
#1	7,000	94’x75’	700	350	437	580
#2	3,500	47’x75’	350	175	218	290
#3	1,750	47’ x 37.5’	175	88	109	145



Preliminary Concept for Multi-Use Space at Civic Use Pad

July 5, 2013

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SURVEY INFORMATION REQUESTED:

Name of Organization:

Space Demand:

Please see survey information requested below about your organization's space demand based on the proposed plan.

7,000 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising							
Reception							
Performance							
Meeting							
Other							
3,500 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising							
Reception							
Performance							
Meeting							
Other							
1,750 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising							
Reception							
Performance							
Meeting							
Other							

Comments:

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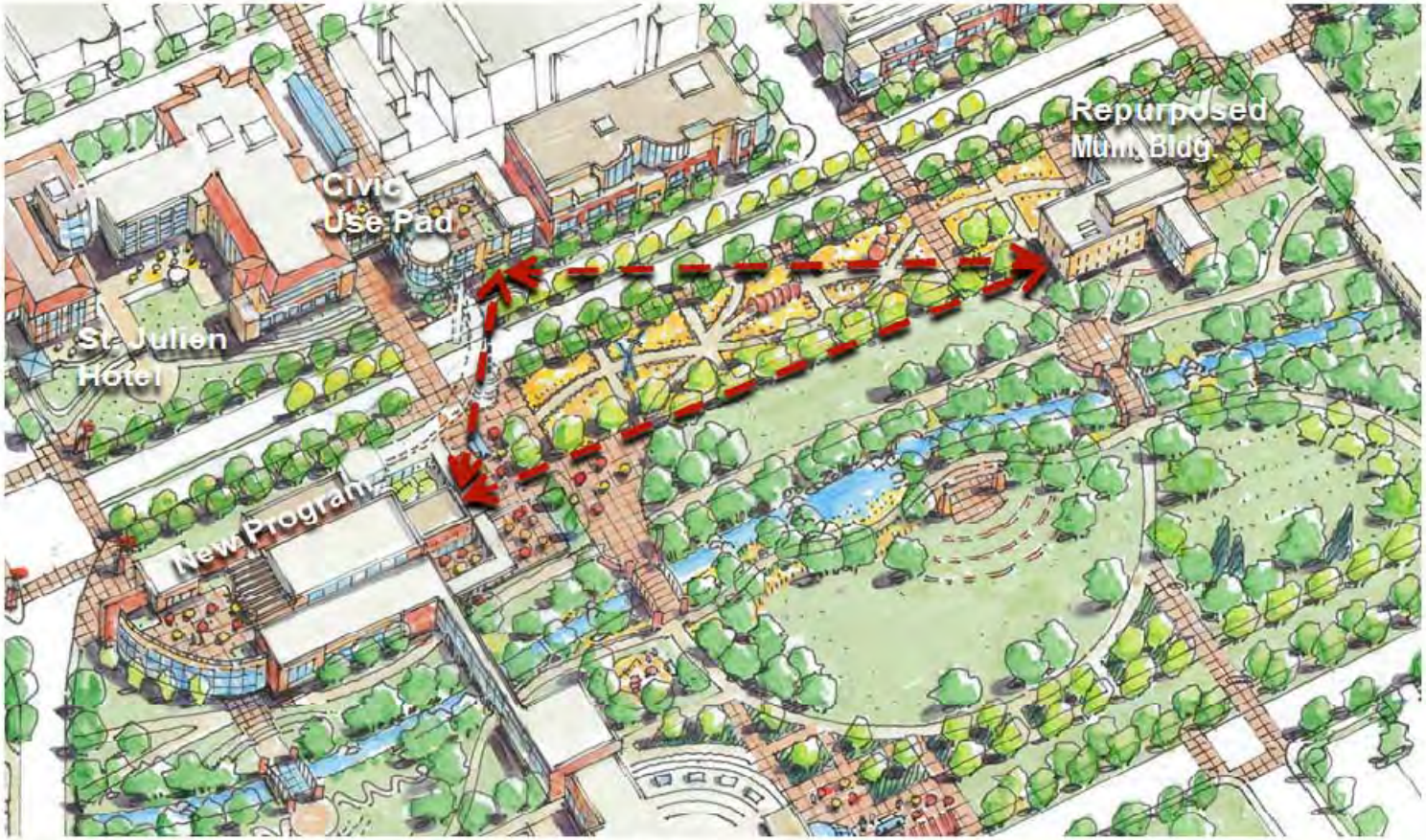

DRAFT Boulder Civic Area Plan - West End

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SURVEY INFORMATION TALLY
40 RESPONDENTS

7,000 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising	8	X					2775 (250-450)
Reception	2	X					150/600
Performance	5	x	x	x			1800 (200-700)
Meeting	1 4	X X (4 days in Dec)					150 500-700 ea
Other							
3,500 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising	2	x					350 (150/200)
Reception	2	x					200
Performance	4 – 6	x					350
Meeting	1	1					75
Other							
1,750 sq ft Event Type:	# of Events	Frequency:					# of Participants
		Annual	Semi Annual	Quarterly	Monthly	Weekly	
Banquet/ Fundraising	4	x					290 (30/60/100)
Reception	3	x					180 (30/50/100)
Performance	2	x					100
Meeting	43		x	x	x		425 (varies)
Other	8				x		50

Comments:

* Rehearsal Space: 20 -22' ceilings – classroom/rehearsal – 6 days/week for 49 weeks, 6 – 8 hours a day.

* Acoustically excellent mid-size concert space for 300'ish – 2 to 3 concerts/yr of 2 – 3 performances

* Cost will be a large determinant for ECCBC

* Via Mobility Services – cost would be a huge factor

* Imagine Foundation currently use the Plaza Conference Center in Longmont since Boulder lacks large enough space with convenient parking. Would love to return to Boulder.

* Greenwood Wildlife Rehabilitation Center – "very few options in Boulder for the type and size of fundraiser we have. We would welcome having this new venue."

*"Boulder needs a venue that can host 450+ for a dinner and have additional space for entertainment. We (There With Care) will need to move our events out of Boulder. In addition, it is important for non-profit organizations to bring in donations from outside vendors i.e. food, alcohol."

* Boulder Shelter – more need for meeting space than event space.

* Attention Homes –recommend there be a commercial kitchen limited to heating/holding/mini prep only. I would not build a cooking kitchen. Cost is prohibitive and its use by many would be problematical. Also, 1750 configurations should be able to morph into smaller event rooms as well by half and half again. Small meeting areas in town are at a premium.

* "I would also like low-cost lodging upstairs for visiting VIP's. – EcoCycle

* "I also wonder if there could ba any potential to use the new site for a community emergency? I.e. an event such as the Four Mile Fire…."

* I would like to request that Liquor Service have more than two options (donated or St. Julien). If a nonprofit can receive a liquor license and purchase wholesale or in some other discounted way, that seems more than legitimate. I realize the concerns of the St. J, and its desires to make revenue off the facility; however, as an example at Thorne's events, we purchase liquor at cost from both Vodka 14 and Organic Vintners' and they provide staff to serve. In this instance, we would have to forgo these meaningful contributions, that are well within the intent of what I imagine the City and St. J are trying to negotiate The difference between this and paying the St. J would be in the thousands of dollars for our event. Also, I REALLY would like to see a final event space rental rate. The St. J is benefiting tremendously by the opportunity to build additional hotel rooms. I realize they have a little upper hand since the City and its nonprofit partners have not found a erasable and fundable use for the pad in the time allotted per the original agreements, however, this is a real boon for the St. J owners, and as such the space created should remain VERY affordable into the future and not be subject to the typical refits and staffing expenses of the St J in determining costs for nonrpfits to use. The rates should be decided upon based on average best practices in other civic use spaces in other cities that are comparable and not managed by a for profit like the St. J. The annual losses on managing the space shodul be commensurate to the aded value the St. J is receiving. All this said, I

am highly in favor of this arrangement with the St. J. I was against developing a civic use space not in partnership with the St. J, as I felt it would be better managed and of better value to the comity if it were done in partnership, now I just hope the partnership is one that actually allows organizations like mine to use the space.

Respondents:

- Rocky Mountain Revels
- The Early Childhood Council of Boulder County
- Boulder Valley Women's Health Center
- Tesseract Productions
- Via Mobility Services
- Imagine! Foundation
- Catalyst High School
- KGNU Community Radio
- Greenwood Wildlife Rehabilitation Center
- Independent Boulder Fund Raiser
- There With Care
- Boulder Shelter
- Attention Homes
- Knick O'Time Horse Rescue and Rehabilitation
- Boulder Concert Band
- Frequent Flyers Productions Inc.
- BoldeReach
- Eco-Cycle
- Boulder B-cycle
- Boulder History Museum
- Wow! Children's Museum
- Partners Mentoring Youth Boulder County
- Boulder County Public Health
- "I Have a Dream" Foundation of Boulder County
- The Community Foundation Serving Boulder County
- BMoCA
- Sound Circle and Resonance Women's Chorus
- Thorne Nature Experience
- Partners Mentoring Youth
- Kutandara Center
- 3rd Law Dance/Theater
- Growe Foundation
- Greater Boulder Youth Orchestras

Respondents – Will not use.

- Boulder Philharmonic Orchestra
- Flatirons Community Church, Lafayette
- Unreasonable Institute
- Boulder Ensemble Theatre Company
- Colorado Chautauqua Association
- Nederland Area Seniors
- Longmont Senior Services

815 emails sent, 40 replies, .049% response.

Civic Use Pad Constraints and Methods to Modify
Prepared by Deputy City Attorney David Gehr and Molly Winter

ISSUES	GOVERNING DOCUMENT	METHOD TO MODIFY	COMMENTS
1. Civic use required	Boulder Urban Renewal Plan – Ninth & Canyon revised plan adopted 1995. Section III B. 1	Modifications drafted and adopted by the Urban Renewal Authority, reviewed for comp plan compliance by Planning Board and adopted by City Council.	Broaden definition of Civic use.
	Condominium Declaration for Ninth and Canyon Hotel and Parking Condominium Article 6	Governed by the Condominium Declaration. Amendments to the map are covered by §3.2. Amendments to the Declaration are required by Article 20. It requires written approval of owners holding 75% of the votes of the association and 75% of the first mortgagees.	However, Article 6 permits the owner to reallocate the Civic use pad to the Hotel unit or the hotel garage unit without consent of the other party. § 18.1 supports the notion that the St. Julien Partners may convert the Civic use pad to a unit at the times specified in the declaration.
2. 20% Square footage requirement for civic use = 37,000 square feet	Boulder Urban Renewal Plan – Ninth & Canyon revised plan adopted 1995. Section III B. 1	Modifications drafted and adopted by the Urban Renewal Authority, reviewed for comp plan compliance by Planning Board and adopted by City Council.	37,000 s.f. may be too large and will be dependent upon the building program. Height limit and building setbacks (affecting floor plate size) may come into play in final design.
3. Civic Use Lease Terms			
a. Types and amounts of auxiliary commercial uses	Civic Use Operation Agreement, Exhibit A, Civic Use Form, 5/7/03: Section 4.2	Changes to the Civic Use Lease need approval from CAGID, St. Julien,	And the city?
	Civic Use Operation Agreement, Exhibit A, dated 5/7/03; 4.2section	Changes to the civic use lease need approval from Units G (CAGID) and H (St. Julien)	Section 1 of the operation agreement states that any material provisions of the civic use lease cannot be modified by the landlord without the prior consent of the city attorney. Also, § 16.12 of the lease provides in part that "any modifications or amendments . . . shall be binding only if evidenced in a writing signed by . . . the city , CAGID and each of the parties hereto."
c. Lease extension beyond 35 years	Civic Use Lease Form, Section 2.4.c states 35 years		There are not any lease term extension provisions in the Civic Use Lease Form.
d. Change in civic use from museum and music and dance performing arts facility	Civic Use Lease Form, Section 4.1	Change in civic use needs written approval of the City of Boulder, St. Julien and CAGID	The use needs to comply with the use restrictions that are described in Section 4.1

C I T Y O F B O U L D E R
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance No. 7987 approving supplemental appropriations to the 2014 Budget related to flood insurance proceeds.

PRESENTERS:
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Officer
Peggy Bunzli, Budget Officer
Elena Lazarevska, Senior Financial Analyst
Maria Diaz, Budget Analyst

EXECUTIVE SUMMARY

The ordinance contained in this memo appropriates funding for flood-related expenses. The appropriations are made from additional revenue that was received from flood insurance proceeds. This supplemental ordinance adjusts only the current year budget and is considered "one-time" adjustment. As a result, the adjustments have no direct or immediate impact on the following year's budget.

A proposed ordinance is provided as **Attachment A** to this packet. A listing of the projects receiving additional appropriation is included in **Attachment B**.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt Ordinance No. 7987 approving supplemental appropriations to the 2014 Budget.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

This supplemental ordinance appropriates funding received for flood-related projects and positively affects economic, environmental or social sustainability in the community.

OTHER IMPACTS

- Fiscal: In the **General Fund** this ordinance will appropriate $538,307 from additional revenue.

  In **restricted funds**, this ordinance will appropriate $131,348 from additional revenue.

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

ANALYSIS

The city has received $1,755,995 from its insurance carrier for specific flood damage and revenue loss. These 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 requires supplemental appropriations.

In order to be able to begin immediate flood recovery, some supplemental appropriations were included in both the second budget supplemental of 2013 and the first budget supplemental of 2014, from reserves. Any insurance proceeds received for recovery projects, for which supplemental appropriations from reserves were already approved by council, will be distributed directly, as revenue, to replenish those reserves.

Additional appropriations included in this ordinance are for the purpose of replenishing previously existing budgets that were used for flood recovery, instead of for the purposes originally designated in the budgets. This adjustment ensures that originally planned (and budgeted) operating services and capital projects can still be provided and completed.

This supplemental appropriation reimburses projects for the actual costs incurred so far, for which insurance proceeds were received. As costs become known for the remaining

projects for which insurance proceeds were received, and as FEMA and State reimbursements are received, staff will bring additional budget supplementals forward to council. These supplementals may be brought forward more frequently than with the two regularly scheduled budget adjustments brought to council each year, in order to replenish reserves and budgets in a timely manner.

A listing of the projects that are eligible for insurance reimbursement and the supplemental appropriations for actual costs reimbursements are listed in **Attachment B**. While the city received $1,755,995 from the insurance carrier, $116,735 of this amount is specifically for loss of revenue that the city incurred as a result of the flood. This amount will not be appropriated at this time and is not included in this packet.

The first reading of this item was held on August 5, 2014. There were no comments from the public or council at that meeting.

ATTACHMENTS

A. Proposed Ordinance containing supplemental appropriations to the 2014 Budget
B. Table of supplemental appropriations to the 2014 Budget

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ORDINANCE NO. 7987

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 to the listed funds:

Section 1. General Fund Appropriation from Additional Revenue	$538,307
Section 2. .25 Cent Sales Tax Fund Appropriation from Additional Revenue	$19,599
Section 3. Recreation Activity Fund Appropriation from Additional Revenue	$84,000
Section 4. Open Space Fund Appropriation from Additional Revenue	$22,990

Section 5. Fleet Fund
Appropriation from Additional Revenue $4,759

Section 6. 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 7. 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 8. 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 5th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE this 19th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

Dept	Fund	Facility Name	Insurance Payment	Actual Expenses including encumbrances thru 06/30/2014	Supplemental Appropriation Amount
Police	General Fund	Public Safety Bldg./ Ceiling tiles	$205	$205	$205
Public Works	General Fund	Iris Center	$70,953	$26,588	$26,588
Public Works	General Fund	MAIN LIBRARY	$55,018	$45,865	$45,865
Public Works	General Fund	Reynolds Library	$88,000	$34,282	$34,282
Public Works	General Fund	Fire Station #1	$23,058	$11,155	$11,155
Public Works	General Fund	Fire Station #4	$42,797	$26,367	$26,367
Public Works	General Fund	Salberg Park Meeting Hall	$323	$323	$323
Public Works	General Fund	South Boulder Recreation Center	$427,923	$89,738	$89,738
Public Works	General Fund	North Boulder Recreation Center	$372,881	$173,125	$173,125
Public Works	General Fund	East Boulder Rec./Senior Center	$83,956	$26,308	$26,308
Public Works	General Fund	SCOTT CARPENTER PARK FILTER BUILDING	$15,000	$6,228	$6,228
Public Works	General Fund	SCOTT CARPENTER ATHLETICS OFFICE	$5,981	$2,981	$2,981
Public Works	General Fund	Wildland Fire Cache - 1888 Violet	$66,338	$50,230	$50,230
Public Works	General Fund	FlatIrons Event Center - Leased to Spice of Life	$2,514	$2,514	$2,514
Public Works	General Fund	Foothills Maint. Facility	$777	$777	$777
Public Works	General Fund	Municipal Building	$1,070	$892	$892
Public Works	General Fund	FAM Maintenance Building	$607	$607	$607
Public Works	General Fund	Carnegie Library	$521	$521	$521
Public Works	General Fund	Fleet Services	$579	$579	$579
Public Works	General Fund	Dairy CENTER FOR THE ARTS	$14,445	$17,782	$14,445
Public Works	General Fund	Fire Station #3	$1,564	$2,342	$1,564
Public Works	General Fund	Fire Station #5	$5,153	$4,107	$4,107
Public Works	General Fund	Electrical Assessments/McKinstry	$18,390	$18,390	$18,390
Public Works	General Fund	Park Central Office Building	$1,690	$0	$0
Public Works	General Fund	Risk Management- 1301 Arapahoe	$517	$517	$517
Library	Library	Meadows Library	$1,000	$0	$0
OSMP	Open Space and Mountain Parks	OSMP Cherryvale South	$2,000	$698	$698
OSMP	Open Space and Mountain Parks	OSMP Cherryvale Storage	$5,000	$5,047	$5,000
OSMP	Open Space and Mountain Parks	OSMP Offices Annex	$18,097	$17,292	$17,292
Parks and Rec	Recreation Fund	North Boulder Recreation Center	$84,000	$84,440	$84,000
Parks and Rec	.25 Sales Tax	FlatIrons Event Center - Leased to Spice of Life	$182,978	$19,599	$19,599
Parks and Rec	.25 Sales Tax	Repair Electrical System Forestry Bldg	$1,320	$1,320	$0
DUHMD	CAGID	Pearl Street Parking Structure / Police Annex	$30,249	$26,954	$0
DUHMD	CAGID	Spruce Parking Structure	$9,598	$9,058	$0
Public Works	Fleet	Vehicle Damage	$4,759	$4,759	$4,759
		TOTAL	**$1,639,259**	**$711,589**	**$669,656**

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Continued second reading and consideration of a motion to adopt Ordinance No. 7980 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of affirming the city's right to provide high-speed internet services (advanced services), telecommunications services, and/or cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
Bob Eichem, Chief Financial Officer
Don Ingle, Director of Information Technology
Carl Castillo, Policy Advisor

EXECUTIVE SUMMARY

At its June 17, 2014 meeting, City Council approved on first reading a proposed measure (Ordinance No. 7980) to reinstate the city's right to invest public resources in the provision of telecommunication systems and services as existed prior to the 2005 passage of Colorado Senate Bill 05-152. At its August 5, 2014 meeting City Council considered Ordinance 7980 on second reading. No council member proposed any amendment to Ordinance 7980 on second reading. Council continued consideration of Ordinance 7980 until its August 19, 2014 meeting.

Further information can be found in the first reading agenda memorandum and the second reading agenda memorandum.

Additional information can be found at an informational website titled, "Boulder Broadband Matters" (https://bouldercolorado.gov/information-technology/boulder-

community-telecommunications), which includes background and educational information on this initiative. The website will continue to be updated during the council deliberation process on this measure.

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

Motion to approve, on second reading, Ordinance No. 7980 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of affirming the city's right to provide high-speed internet services (advanced services), telecommunications services, and/or cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic -** Provision of higher speed telecommunication services at a lower price could be expected to support a diverse and sustainable economy that supports needs of all segments of the community.
- **Environmental -** Provision of more accessible, higher speed telecommunication services is likely to increase the availability of local services and information online, resulting in trip reduction on lower carbon emissions.
- **Social -** Provision of higher speed telecommunication services at a lower price could be expected to support the needs of a diverse community, especially those that would not otherwise have access to such services.

OTHER IMPACTS

- Fiscal – None identified.
- Staff time – Much of the staff time required is within normal work-plans for the departments tasked with supporting this type of vendor project. Less than 40 hours of additional staff time outside the scope of normal business duties may be expended on this project.

BOARD AND COMMISSION FEEDBACK

None. This is a Council initiative.

PUBLIC FEEDBACK

While no public feedback has been solicited on this matter beyond the public hearing, the city has been contacted by private citizens and organizations with offers to support the measure, including: the Boulder Chamber, Zayo Group, and Colorado Common Cause.

BACKGROUND

The proposed ballot measure, if approved by voters, would exempt the city from the provisions of Colorado Senate Bill 05-152 (SB-152). This 2005 law significantly limits the ability of municipal government to engage in the provision of telecommunication services, including partnerships with private entities. Current legislative reform efforts aimed at amending SB-152 have been preempted by other telecommunications-related priorities in the legislature.

SB-152 includes a provision allowing Colorado local government to exempt themselves from the law's provisions via a public vote. Boulder remains a community that would significantly benefit from more economical, higher-capacity telecommunication services given its tech-savvy demographic, readiness for "next gen" broadband services, and available public fiber optic infrastructure. While no definitive plans are in place to create a telecommunications utility or engage in new public-private partnerships in Boulder, the planning and execution of new public initiatives would be unencumbered by the significant limitations in state law if an exemption measure was passed.

ATTACHMENTS

Attachment A: Proposed Ordinance

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ORDINANCE NO. 7980

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AFFIRMING THE CITY'S RIGHT TO PROVIDE HIGH-SPEED INTERNET SERVICES (ADVANCED SERVICES), TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NONPROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29, OF THE COLORADO REVISED STATUTES, WITHOUT LIMITING ITS HOME RULE AUTHORITY AND SETTING FORTH RELATED DETAILS.

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

Section 1. A special municipal coordinated election will be held in the City of Boulder, County of Boulder and State of Colorado, on Tuesday, November 4, 2014, between the hours of 7:00 a.m. and 7:00 p.m.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the question of re-establishing the city's right to provide high-speed internet services (advanced services), telecommunications services or cable television services as stated below.

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

Ballot Question NO. ___

Affirming the City's Right to Provide Telecommunication Services

> Shall the City of Boulder be authorized to provide high-speed Internet services (advanced services), telecommunications services, and/or cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services, either directly or indirectly with public or private sector partners, as expressly permitted by §§ 29-27-101 to 304, "Competition in Utility and Entertainment Services," of the Colorado Revised Statutes, without limiting its home rule authority?
>
> For the Measure____ Against the Measure____

Section 4. If a majority of all the votes cast at the election on the question submitted shall be for the question, the question shall be deemed to have passed and shall be effective upon passage.

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

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

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

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 17th day of June, 2014.

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_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2014.

.

_____
Mayor

Attest:

_____
City Clerk

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Third reading and consideration of a motion to adopt Ordinance No. 7982 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of amending City Charter Section 9 to provide that the city council may meet in executive session only for the purpose of discussing legal advice and negotiation strategy relating to the creation of a municipal electrical utility, with such authority ending on December 31, 2017; setting forth the ballot title; and specifying the form of the ballot and other related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Heather Bailey, Executive Director, Energy Strategy and Utility Development

EXECUTIVE SUMMARY

At first reading on July 22, 2014, council members discussed a potential charter amendment to permit executive sessions for the limited purpose of discussing legal advice and negotiation strategy in relation to the creation of a municipal electrical utility. Additional information can be found in the first reading agenda memorandum. Council passed the measure as amended on first reading. On August 5, 2014, council considered ordinance number 7982 on second reading. Additional information is in the second reading memorandum. At second reading, council amended Ordinance No. 7982. Council also gave direction for staff to bring forward a proposed alternative ordinance that would specify in the ballot language that all executive sessions would be recorded and that no final action would be taken at an executive session. Council also asked staff to propose a new proposed charter subsection (e) that would allow the public to be present both before and after an executive session. The intent was to provide the public with assurance that executive sessions would be strictly limited and not be informal gatherings at which council could discuss other business in private.

Attachment A is Ordinance No. 7982 as passed on second reading. Attachment B is a revised ordinance proposed by staff. Attachment C is staff proposed language to provide some additional assurance that council will not discuss inappropriate matters during an executive session. This language is staff's proposal to address concerns raised by Council Member Weaver about verification. Staff does not recommend third party verification, because of the potential risk of exposure of attorney-client communications. The proposed language would allow impose an affirmative duty on council members to limit discussions and allow any two council members to end a discussion.

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

Staff requests council consideration of this matter and action in the form of one of the two following motions:

Option 1 if council amends Ordinance No. 7982

Consideration of a motion to approve Emergency Ordinance No. 7982 as set forth in Attachment B, submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of amending Section 9 of the Boulder Home Rule Charter to provide that the city council may meet in executive session only for the purpose of discussing legal advice and negotiation strategy relating to the creation of a municipal electrical utility, with such authority ending on December 31, 2017; setting forth the ballot title; and specifying the form of the ballot and other related details, as amended.

Option 2 if no changes are made to the ordinance passed on August 5, 2014

Consideration of a motion to approve Ordinance No. 7982 as set forth in Attachment A, submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of amending Section 9 of the Boulder Home Rule Charter to provide that the city council may meet in executive session only for the purpose of discussing legal advice and negotiation strategy relating to the creation of a municipal electrical utility, with such authority ending on December 31, 2017; setting forth the ballot title; and specifying the form of the ballot and other related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – A municipal utility should have a positive economic impact on our community. The utility will provide employment and a wide range of opportunities to promote and support business in Boulder.

- Environmental – Climate change and increasing green house gases are probably our society's number one environmental challenge. The largest contributor in greenhouse gases in Boulder are the facilities used to produce electricity.
- Social – The social impacts of climate change are well-documented.

OTHER IMPACTS

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

PUBLIC FEEDBACK

The council held public hearings at the July 22, 2014 and August 5, 2014 City Council meetings.

ATTACHMENTS

Attachment A: Ordinance No. 7982 as passed at second reading
Attachment B: Emergency Ordinance No. 7982 with proposed amended language
Attachment C: Potential amendment language

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ORDINANCE NO. 7982

AN ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AMENDING CITY CHARTER SECTION 9 TO PROVIDE THAT THE CITY COUNCIL MAY MEET IN EXECUTIVE SESSION EXCLUSIVELY FOR THE PURPOSE OF OBTAINING AND DISCUSSING LEGAL ADVICE, INCLUDING NEGOTIATION STRATEGY, WITH RESPECT TO BOULDER'S ELECTRIC UTILITY, WITH SUCH AUTHORITY ENDING ON DECEMBER 31, 2017; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER RELATED DETAILS.

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

Section 1. A special municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2014.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section 9 of the city Charter pertaining to convening executive sessions of the council (material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines):

Section 9: Meetings of Council

…

All meetings of the council or committees thereof shall be public. However, the council may meet in executive session exclusively for the purpose of obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility.

All executive sessions shall be conducted according to state law. The following additional special procedural rules shall apply to every executive session:

(a) No final action may be taken in an executive session.

(b) An executive session shall be initiated only by a 2/3 vote of those council members present at a council meeting.

(c) All executive sessions shall be recorded in their entirety.

(d) Any recording of an executive session shall be released to the public only upon a unanimous vote of the city council or as otherwise provided by state law.

The authority to hold executive sessions shall expire on December 31, 2017.

The council shall cause to be kept a complete journal of its proceedings and, except with reference to the journal of executive sessions, any citizen shall have access to the same at all reasonable times.

…

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

Ballot Question No. ___

City Council Executive Sessions Related to Boulder's Electric Utility

Shall Section 9 of the Charter be amended pursuant to Ordinance No. 7982 to authorize, until December 31, 2017, the city council to meet in executive session exclusively for the purpose of obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility?

For the Measure ____ Against the Measure ____

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

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

ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

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

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

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

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

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 22nd day of July 2014.

.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk on behalf of the
Director of Finance and Record

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk on behalf of the
Director of Finance and Record

ORDINANCE NO. 7982

AN EMERGENCY ORDINANCE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AMENDING CITY CHARTER SECTION 9 TO PROVIDE THAT THE CITY COUNCIL MAY MEET IN EXECUTIVE SESSION EXCLUSIVELY FOR THE PURPOSE OF OBTAINING AND DISCUSSING LEGAL ADVICE, INCLUDING NEGOTIATION STRATEGY, WITH RESPECT TO BOULDER'S ELECTRIC UTILITY, WITH SUCH AUTHORITY ENDING ON DECEMBER 31, 2017; SETTING FORTH THE BALLOT TITLE; AND SPECIFYING THE FORM OF THE BALLOT AND OTHER RELATED DETAILS.

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

Section 1. A special municipal coordinated election will be held in the city of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2014.

Section 2. At that election, a question shall be submitted to the electors of the city of Boulder entitled by law to vote, that will allow voters to consider the following amendment to Section 9 of the city Charter pertaining to convening executive sessions of the council (material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines):

Section 9: Meetings of Council

…

All meetings of the council or committees thereof shall be public. However, the council may meet in executive session exclusively for the purpose of obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility.

All executive sessions shall be conducted according to state law. The following additional special procedural rules shall apply to every executive session:

(a) No final action may be taken in an executive session.

(b) An executive session shall be initiated only by a 2/3 vote of those council members present at a council meeting.

(c) All executive sessions shall be recorded in their entirety.

(d) Any recording of an executive session shall be released to the public only upon a unanimous vote of the city council or as otherwise provided by state law.

(e) Any executive session shall be part of a public meeting with the public being excluded only from that portion of the meeting strictly necessary for the purpose of obtaining and discussing legal advice, including negotiation strategy.

The authority to hold executive sessions shall expire on December 31, 2017.

The council shall cause to be kept a complete journal of its proceedings and, except with reference to the journal of executive sessions, any citizen shall have access to the same at all reasonable times.

…

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

Ballot Question No. ___

City Council Executive Sessions Related to Boulder's Electric Utility

Shall Section 9 of the Charter be amended pursuant to Ordinance No. 7982 to authorize, until December 31, 2017, the city council to meet in executive session exclusively for the purpose of obtaining and discussing legal advice, including negotiation strategy, with respect to Boulder's electric utility, with no final action being taken in any executive session and all such executive sessions recorded in their entirety?

For the Measure ____ Against the Measure ____

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

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

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

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

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

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

Section 9. The city council finds that this ordinance is necessary for the preservation of the public peace, health or property. The city council amended this ordinance on third reading. This ordinance includes a ballot measure. Emergency passage is necessary to allow the time necessary for this matter to be placed on the November 4, 2014 ballot. The city council declares that this ordinance shall be effective immediately upon its passage.

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

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

INTRODUCED, READ ON FIRST READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 22nd day of July 2014.

.

_____
Mayor

Attest:

_____
City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of August, 2014.

.

_____
Mayor

Attest:

_____
City Clerk on behalf of the
Director of Finance and Record

READ ON THIRD READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2014.

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_____
Mayor

Attest:

_____
City Clerk on behalf of the
Director of Finance and Record

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(f) Each council member shall have an affirmative duty to prevent any discussion of any subject other than those strictly necessary for the purpose of obtaining and discussing legal advice, including negotiation strategy. If during any executive session, any two council members express the opinion that the subject being discussed is not strictly necessary for the purpose of obtaining and discussing legal advice, including negotiation strategy, the discussion shall cease immediately. At such time, council shall either end the executive session or return to a discussion necessary for the purpose of obtaining and discussing legal advice, including negotiation strategy.

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE: Third reading and consideration of a motion to adopt Ordinance No. 7983 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of authorizing the city council to increase the sales and use tax by up to 0.3 cents on every dollar, effective from January 1, 2015 through December 31, 2017 for the purpose of funding a variety of capital improvement projects; giving approval for the collection, retention and expenditure of the full tax proceeds and any related earnings, notwithstanding any state revenue or expenditure limitation; and setting forth the effective date, ballot title, amendments to Section 3-2-5, "Rate of Tax," B.R.C. 1981 and related details.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
Bob Eichem, Chief Financial Officer
David Driskell, Executive Director of Community Planning and Sustainability
Maureen Rait, Executive Director of Public Works
Tracy Winfree, Director Public Works Transportation
Molly Winter, Director of Downtown, University Hill Management Division and Parking
Jeff Dillon, Director of Parks and Recreation
David Farnan, Director of Library and Arts
Alisa Lewis, City Clerk
Peggy Bunzli, Budget Officer
Elena Lazarevska, Senior Financial Analyst

EXECUTIVE SUMMARY

In preparation for the discussion of this agenda item, city council members have reviewed or considered potential 2014 ballot items at its February 18, 2014, April 22, 2014, June17, 2014, July 22, 2014 and August 5, 2014 meetings. Council expressed interest in placing a temporary sales and use tax increase for three years (2015, 2016 and 2017) on the ballot for the November 4, 2014 election. On July 22, 2014, council introduced and passed on first reading Ordinance No. 7983. More information can be found in the first reading memorandum. On August 5, 2014, council considered ordinance number 7983 on second reading. Additional information is in the second reading memorandum. At second reading, council amended Ordinance No. 7983 to correct minor typographical errors. Council also gave direction for staff to bring forward a proposed alternative ordinance incorporating changes to the ballot title identifying more specifically the proposed use of funds in the civic area. Council also directed staff to define more clearly the proposed changes to the underpass at Arapahoe Avenue. That proposal is still conceptual in nature. Staff will attempt to provide more definition at the August 19, 2014 council meeting.

Attachment A is Ordinance No. 7983 as passed on second reading. Attachment B is a revised ordinance proposed by staff.

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of one of the two following motions:

Option 1 if council amends Ordinance No. 7983

Consideration of a motion to approve Emergency Ordinance No. 7983 as set forth in Attachment B, submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of authorizing the city council to increase the sales and use tax by up to 0.3 cents on every dollar, effective from January 1, 2015 through December 31, 2017 for the purpose of funding a variety of capital improvement projects; giving approval for the collection, retention and expenditure of the full tax proceeds and any related earnings, notwithstanding any state revenue or expenditure limitation; and setting forth the effective date, ballot title, amendments to section 3-2-5, "Rate of Tax," B.R.C. 1981 and related details, as amended.

Option 2 if no changes are made to the ordinance passed on August 5, 2014

Consideration of a motion to approve Ordinance No. 7983 as set forth in Attachment A, submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 4, 2014, the question of authorizing the city council to increase the sales and use tax by up to 0.3 cents on every dollar, effective from January 1, 2015 through December 31, 2017 for the purpose of funding a variety of capital improvement projects; giving approval for the collection,

retention and expenditure of the full tax proceeds and any related earnings, notwithstanding any state revenue or expenditure limitation; and setting forth the effective date, ballot title, amendments to section 3-2-5, "Rate of Tax," B.R.C. 1981 and related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic -** An increase in the sales and use tax rate would create an incremental economic impact equal to the amount of the tax increase approved by the voters. Any increase would be charged on all retail purchases, and items subject to use tax for the length of the tax. The new revenue collected would provide increased funds for capital investments that can help the economic vitality of the city.
- **Environmental -** It is expected that some of the capital investments that would be funded with this tax increase may generate more travel to the City of Boulder to enjoy the improvements made in the city. At the same time, the investments would include efficient and effective improvements to infrastructure, which would help address environmental sustainability.
- **Social -** Provision of higher speed telecommunication services at a lower price, could be expected to support the needs of a diverse community, especially those that would not otherwise have access to such services.

OTHER IMPACTS

- Fiscal – Three tenths percent increase in the sales and use tax rate for the City of Boulder would increase the tax on a hundred dollar purchase by thirty cents. Other fiscal impacts to the city are covered in the background and analysis sections of this agenda item.
- Staff time – The staff time needed to complete the background work for ballot items is included within the departmental work plans.

PUBLIC FEEDBACK

The council held public hearings at the July 22, 2014 and August 5, 2014 City Council meeting. Several people participated in the public hearings and provided input on the proposed investments.

ADDITIONAL INFORMATION

The council requested additional details regarding proposed projects in the Civic Area. The following is a high-level breakdown of the proposed allocation of the $8.7 million that would be dedicated to the Civic Area.

Potential capital investments would include:

Creek at the Core ($4.425 million)

- New children's' playground and nature play areas, educational/interpretive experiences and wading areas along Boulder Creek;
- Improved bike/walk paths, and creek-side stop-off points;
- Improvements to lighting and bike/walk paths (with additional work proposed under the Creek Path Improvement component of the Community, Culture and Safety proposal).

Community Spaces ($3.075 million)

- Improvements to the Farmer's Market and Library plazas and construction of a new outdoor café area, to support community interaction and expand cultural programming.

Connections and Access ($1.2 million)

- Developing connections and access improvements from the new Civic Area to downtown, surrounding neighborhoods and the University, including new gateways and other related initiatives.

The Civic Area project is not just about creating a beautiful space; it is about delivering a vibrant, active and beloved urban park and civic area, as seen in so many other leading cities, which supports and benefits residents and visitors alike.

Additionally, staff has drafted language to add some additional detail, as requested by council members to the ballot title that relates to the civic area improvements. If the City Council adopts that amendment, that portion of the ballot title will read:

> UP TO $ 8,700,000 FOR CAPITAL IMPROVEMENTS FOR THE BOULDER CIVIC AREA GENERALLY BOUNDED BY CANYON BLVD, ARAPAHOE AVE, 9TH STREET AND 13TH STREET <u>TO CREATE A VIBRANT AND ACTIVE URBAN PARK AND CIVIC AREA INCLUDING RECREATION AMENITIES, COMMUNITY SPACES, SAFETY IMPROVEMENTS, AND CONNECTIONS AND ACCESS IMPROVEMENTS TO AND THROUGH THE CIVIC AREA</u>

If the City Council adopts this amendment, as shown in Attachment B, the ordinance will need to be passed as an emergency ordinance.

ATTACHMENTS

Attachment A: Ordinance No. 7983 as passed at second reading
Attachment B: Emergency Ordinance No. 7983 with proposed amended language.

ORDINANCE NO.7983

(Temporary Tax Increase for Community, Culture and Safety)

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO INCREASE THE SALES AND USE TAX BY UP TO 0.3 CENTS ON EVERY DOLLAR, EFFECTIVE FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2017 FOR THE PURPOSE OF FUNDING A VARIETY OF CAPITAL IMPROVEMENT PROJECTS; GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS, NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; AND SETTING FORTH THE EFFECTIVE DATE, BALLOT TITLE, AMENDMENTS TO SECTION 3-2-5, "RATE OF TAX," B.R.C. 1981 AND RELATED DETAILS.

WHEREAS the City Council finds that it is appropriate for voters to approve collection, retention, and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

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

Section 1. A special municipal coordinated election will be held in the City of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2014, between the hours of 7 a.m. and 7 p.m.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the issue of a sales and use tax increase as described in the ballot issue title in this ordinance.

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

ISSUE NO. ___

TEMPORARY TAX INCREASE FOR COMMUNITY, CULTURE AND SAFETY

SHALL CITY OF BOULDER TAXES BE INCREASED ($9,200,000 first full fiscal year increase) ANNUALLY BY INCREASING THE SALES AND USE TAX BY 0.3 CENTS FOR THE PERIOD OF JANUARY 1, 2015 TO DECEMBER 31, 2017;

AND IN CONNECTION THEREWITH,

SHALL ALL OF THE REVENUES COLLECTED BE USED TO FUND CAPITAL IMPROVEMENTS THAT WILL INCLUDE WITHOUT LIMITATION THE FOLLOWING:

- UP TO $ 8,700,000 FOR CAPITAL IMPROVEMENTS FOR THE BOULDER CIVIC AREA GENERALLY BOUNDED BY CANYON BLVD, ARAPAHOE AVE, 9TH STREET AND 13TH STREET,

- UP TO $ 3,270,000 FOR CAPITAL IMPROVEMENTS IN THE UNIVERSITY HILL COMMERCIAL DISTRICT AND HIGH DENSITY RESIDENTIAL AREAS INCLUDING LIGHTING, IRRIGATION AND TO IMPROVE PUBLIC STREETS,

- UP TO $ 5,125,000 FOR CAPITAL IMPROVEMENTS TO THE BOULDER CREEK PATH AND ITS ENVIRONS GENERALLY BETWEEN 3RD AND 17TH STREETS, INCLUDING LIGHTING AND PATH IMPROVEMENTS TO INCREASE SAFETY,

- UP TO $ 600,000 FOR PUBLIC ART AND TO PRESERVE OR RESTORE THE EXISTING ART COLLECTION,

- UP TO $ 3,850,000 TO IMPROVE THE DAIRY CENTER FOR THE ARTS PROPERTY,

- UP TO $ 1,500,000 FOR IMPROVEMENTS TO CHAUTAUQUA PARK AND ITS ENVIRONS FOR ACCESS, PEDESTRIAN, SAFETY, AND LIGHTING IMPROVEMENTS,

- UP TO $ 4,000,000 FOR CAPITAL IMPROVEMENTS AT THE MUSEUM OF BOULDER PROVIDED THAT THE MUSEUM OF BOULDER HAS FIRST RAISED AND DEDICATED AN EQUAL AMOUNT AND IN COMPLIANCE WITH TERMS, CONDITIONS, AND TIMING APPROVED BY THE CITY COUNCIL, AND

- ANY REMAINING FUNDS TO BE APPROPRIATED BY THE BOULDER CITY COUNCIL TO FUND CAPITAL IMPROVEMENT PROGRAM PROJECTS;

AND IN CONNECTION THEREWITH,

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

FOR THE ISSUE ____ AGAINST THE ISSUE ____

Section 4. If this ballot issue is approved by the voters, the City Council will adopt terms, conditions, and timing of payments prior to any appropriations to the Museum of Boulder that it finds are necessary to protect the public health, safety and welfare of the residents and visitors of the City of Boulder. In the event that the city, in its legislative or administrative capacity, determines that the Museum of Boulder cannot meet such terms or conditions in a reasonable or timely manner, such funds may be appropriated by the City Council for other capital improvement projects that are consistent with the ballot issue title.

Section 5. If this ballot issue is approved by the voters, the City Council further amends the Boulder Revised Code, effective on January 1, 2015, to read:

3-2-5. Rate of Tax.

(a) Except as specified in Subsection (b) of this section, the amount of the tax hereby levied is 3.~~56~~ 86 percent of the purchase price of tangible personal property or taxable services sold or purchased at retail.

(b) The amount of the tax hereby levied on food sold in or by a food service establishment shall be the amount levied in Subsection (a) of this section plus 0.15 percent of the purchase price of such food. Cover charges, admission, or entrance fees and mandatory service or service-related charges shall be included as part of the purchase price of such food. However, a mandatory service or service-related charge shall not be included as part of the purchase price of such food if the full amount of the charge is passed on to the employees of the food service establishment who have provided direct service to each person paying the charge, and if all federal and state income and other applicable taxes due on such charge have been withheld by the food service establishment and paid to the appropriate government.

(c) Of said amount:

(1) Parks and Recreation: 0.25 percent shall be deemed a parks and recreation tax, which tax shall expire at midnight on December 31, 2035 (Ord. No. 7862, approved by voters in 2012).

(2) Open Space and General: 0.33 percent shall be used for the purposes, during the time periods, and in the following amounts, as follows:

(A) An open space tax through midnight on December 31, 2018 (Ord. No. 5893, approved by voters in 1997).

(B) An open space tax for 0.22 percent, and a general sales and use tax for 0.11 percent from January 1, 2019 through midnight on December 31, 2034 (Ord. No. 7912, approved by voters in 2013).

(C) An open space tax for 0.10 percent, and a general sales and use tax for 0.23 percent from January 1, 2035 and continuing without expiration (Ord. No. 7912, approved by voters in 2013).

(3) Open Space: 0.15 percent shall be deemed an open space tax through midnight on December 31, 2019 (Ord. No. 7301, approved by voters in 2003).

(4) Transportation and General: 0.15 percent shall be used for the purposes, during the time periods, and in the following amounts, as follows:

(A) a transportation tax from January 1, 2014 through midnight on December 31, 2029 (Ord. Nos. 7913 and 7922, approved by voters in 2013).

(B) a general sales and use tax from January 1, 2030, which tax shall expire at midnight on December 31, 2039 (Ord. No. 7922, approved by voters in 2013).

(5) Capital improvement. 0.3 percent shall be deemed a capital improvement tax through midnight on December 31, 2017 (Ord. No. ***, approved by voters in 2014).

As each tax expires, the aggregate tax shall be reduced accordingly.

Section 6. If this ballot issue is approved by the voters, the City Council may adopt amendments to the Boulder Revised Code to further implement this sales and use tax increase and such other amendments to the Boulder Revised Code as may be necessary to implement the intent and purpose of this ordinance.

Section 7. If a majority of all the votes cast at the election on the issue submitted shall be for the issue, the issue shall be deemed to have passed and shall be effective upon passage, and it shall be lawful for the City Council to provide for the amendment of its tax code in accordance with the issue approved.

Section 8. The election shall be conducted under the provisions of the Colorado Constitution, the charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

Section 9. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 10. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 11. 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 12. 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 22nd day of July, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

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ORDINANCE NO.7983

(Temporary Tax Increase for Community, Culture and Safety)

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF BOULDER AT THE SPECIAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO INCREASE THE SALES AND USE TAX BY UP TO 0.3 CENTS ON EVERY DOLLAR, EFFECTIVE FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2017 FOR THE PURPOSE OF FUNDING A VARIETY OF CAPITAL IMPROVEMENT PROJECTS; GIVING APPROVAL FOR THE COLLECTION, RETENTION AND EXPENDITURE OF THE FULL TAX PROCEEDS AND ANY RELATED EARNINGS, NOTWITHSTANDING ANY STATE REVENUE OR EXPENDITURE LIMITATION; AND SETTING FORTH THE EFFECTIVE DATE, BALLOT TITLE, AMENDMENTS TO SECTION 3-2-5, "RATE OF TAX," B.R.C. 1981 AND RELATED DETAILS.

WHEREAS the City Council finds that it is appropriate for voters to approve collection, retention, and expenditure of the full amount collected from the tax proposed by the ballot issue described below.

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

Section 1. A special municipal coordinated election will be held in the City of Boulder, county of Boulder and state of Colorado, on Tuesday, November 4, 2014, between the hours of 7 a.m. and 7 p.m.

Section 2. At that election, there shall be submitted to the electors of the City of Boulder entitled by law to vote the issue of a sales and use tax increase as described in the ballot issue title in this ordinance.

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

ISSUE NO. ___

TEMPORARY TAX INCREASE FOR COMMUNITY, CULTURE AND SAFETY

SHALL CITY OF BOULDER TAXES BE INCREASED ($9,200,000 first full fiscal year increase) ANNUALLY BY INCREASING THE SALES AND USE TAX BY 0.3 CENTS FOR THE PERIOD OF JANUARY 1, 2015 TO DECEMBER 31, 2017;

AND IN CONNECTION THEREWITH,

SHALL ALL OF THE REVENUES COLLECTED BE USED TO FUND CAPITAL IMPROVEMENTS THAT WILL INCLUDE WITHOUT LIMITATION THE FOLLOWING:

- UP TO $ 8,700,000 FOR CAPITAL IMPROVEMENTS FOR THE BOULDER CIVIC AREA GENERALLY BOUNDED BY CANYON BLVD, ARAPAHOE AVE, 9TH STREET AND 13TH STREET TO CREATE A VIBRANT AND ACTIVE URBAN PARK AND CIVIC AREA INCLUDING RECREATION AMENITIES, COMMUNITY SPACES, SAFETY IMPROVEMENTS, AND CONNECTIONS AND ACCESS IMPROVEMENTS TO AND THROUGH THE CIVIC AREA,

- UP TO $ 3,270,000 FOR CAPITAL IMPROVEMENTS IN THE UNIVERSITY HILL COMMERCIAL DISTRICT AND HIGH DENSITY RESIDENTIAL AREAS INCLUDING LIGHTING, IRRIGATION AND TO IMPROVE PUBLIC STREETS,

- UP TO $ 5,125,000 FOR CAPITAL IMPROVEMENTS TO THE BOULDER CREEK PATH AND ITS ENVIRONS GENERALLY BETWEEN 3RD AND 17TH STREETS, INCLUDING LIGHTING AND PATH IMPROVEMENTS TO INCREASE SAFETY,

- UP TO $ 600,000 FOR PUBLIC ART AND TO PRESERVE OR RESTORE THE EXISTING ART COLLECTION,

- UP TO $ 3,850,000 TO IMPROVE THE DAIRY CENTER FOR THE ARTS PROPERTY,

- UP TO $ 1,500,000 FOR IMPROVEMENTS TO CHAUTAUQUA PARK AND ITS ENVIRONS FOR ACCESS, PEDESTRIAN, SAFETY, AND LIGHTING IMPROVEMENTS,

- UP TO $ 4,000,000 FOR CAPITAL IMPROVEMENTS AT THE MUSEUM OF BOULDER PROVIDED THAT THE MUSEUM OF BOULDER HAS FIRST RAISED AND DEDICATED AN EQUAL AMOUNT AND IN COMPLIANCE WITH TERMS, CONDITIONS, AND TIMING APPROVED BY THE CITY COUNCIL, AND

- ANY REMAINING FUNDS TO BE APPROPRIATED BY THE BOULDER CITY COUNCIL TO FUND CAPITAL IMPROVEMENT PROGRAM PROJECTS;

AND IN CONNECTION THEREWITH,

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

FOR THE ISSUE ____ AGAINST THE ISSUE ____

Section 4. If this ballot issue is approved by the voters, the City Council will adopt terms, conditions, and timing of payments prior to any appropriations to the Museum of Boulder that it finds are necessary to protect the public health, safety and welfare of the residents and visitors of the City of Boulder. In the event that the city, in its legislative or administrative capacity, determines that the Museum of Boulder cannot meet such terms or conditions in a

reasonable or timely manner, such funds may be appropriated by the City Council for other capital improvement projects that are consistent with the ballot issue title.

Section 5. If this ballot issue is approved by the voters, the City Council further amends the Boulder Revised Code, effective on January 1, 2015, to read:

3-2-5. Rate of Tax.

(a) Except as specified in Subsection (b) of this section, the amount of the tax hereby levied is 3.~~56~~ 86 percent of the purchase price of tangible personal property or taxable services sold or purchased at retail.

(b) The amount of the tax hereby levied on food sold in or by a food service establishment shall be the amount levied in Subsection (a) of this section plus 0.15 percent of the purchase price of such food. Cover charges, admission, or entrance fees and mandatory service or service-related charges shall be included as part of the purchase price of such food. However, a mandatory service or service-related charge shall not be included as part of the purchase price of such food if the full amount of the charge is passed on to the employees of the food service establishment who have provided direct service to each person paying the charge, and if all federal and state income and other applicable taxes due on such charge have been withheld by the food service establishment and paid to the appropriate government.

(c) Of said amount:

(1) Parks and Recreation: 0.25 percent shall be deemed a parks and recreation tax, which tax shall expire at midnight on December 31, 2035 (Ord. No. 7862, approved by voters in 2012).

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(5) Capital improvement. 0.3 percent shall be deemed a capital improvement tax through midnight on December 31, 2017 (Ord. No. ***, approved by voters in 2014).

As each tax expires, the aggregate tax shall be reduced accordingly.

Section 6. If this ballot issue is approved by the voters, the City Council may adopt amendments to the Boulder Revised Code to further implement this sales and use tax increase and such other amendments to the Boulder Revised Code as may be necessary to implement the intent and purpose of this ordinance.

Section 7. If a majority of all the votes cast at the election on the issue submitted shall be for the issue, the issue shall be deemed to have passed and shall be effective upon passage, and it shall be lawful for the City Council to provide for the amendment of its tax code in accordance with the issue approved.

Section 8. The election shall be conducted under the provisions of the Colorado Constitution, the charter and ordinances of the City, the Boulder Revised Code, 1981, and this ordinance, and all contrary provisions of the statutes of the state of Colorado are hereby superseded.

Section 9. The officers of the City are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance and to contract with the county clerk to conduct the election for the City.

Section 10. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 11. 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 12. The City Council finds that this ordinance is necessary for the preservation of the public peace, health, or property. The City Council amended this ordinance on third reading. This ordinance includes a ballot measure. Emergency passage is necessary to allow the time necessary for this matter to be placed on the November 4, 2014 ballot. The City Council declares that this ordinance shall be effective immediately upon its passage.

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 22nd day of July, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY TITLE ONLY this 5th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

READ ON THIRD READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

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CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: 8/19/14

AGENDA TITLE: Consideration of a motion to name the park formerly known as Mesa Memorial Park to Bill Bower Park

PRESENTER/S
Jane S. Brautigam, City Manager
Jeff Dillon, Parks and Recreation Interim Director
Jeff Haley, Planning Manager
Sarah DeSouza, Senior Manager for Community Outreach
Tina Briggs, Landscape Designer II
Carl Castillo, Policy Advisor
Sandra Llanes, Senior Assistant City Attorney

EXECUTIVE SUMMARY

Earlier this year, an application was submitted to the city requesting that the piece of property located on Table Mesa between Hartford and Yale, informally know as "Mesa Memorial Park", be named Bill Bower Park. Colonel Bill Bower, was a decorated World War II veteran and dedicated contributor to the Boulder community.

Pursuant to the city's Policy on Commemorative Naming of City Facilities (**Attachment A**), staff convened a naming committee, reviewed the application and conducted independent research on the claims made in the application. Although not required by the Naming Policy, staff also brought this matter to the Parks and Recreation Advisory Board (PRAB), which subsequently recommended approval of the proposal upon a unanimous vote. With the benefit of this background, the naming committee now recommends the city manager approve the renaming application. Pursuant to the Naming Policy, if the city manager approves this recommendation, the decision is to be forwarded to City Council in an information packet as a call-up item, allowing council the opportunity to reconsider the manager's determination. If approved, the name would be announced at a rededication ceremony and community event scheduled at the park in fall 2014.

FISCAL IMPACT

The cost associated with naming the park is $1,500 and is limited to the creation of a new park sign. The Parks and Recreation Department (the "Department") has identified funding in its 2014 budget to cover these costs. The park is currently under construction with a completion of date of fall 2014. The park development was identified in the Department's Capital Improvement Fund (CIP) with $500,000 budgeted in the Permanent Parks and Recreation Fund. In conjunction with the park renaming, the Department is exploring the installation of interpretive signs at the park to capture Colonel Bill Bower's contribution to his country and community.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: None apply
- Environmental: None apply
- Social: Throughout his life, Colonel Bill Bower demonstrated excellence, courage and exceptional service to the citizens of the U.S.A and was of historical significance to the nation. Additionally, following his years of military service he retired to the city of Boulder and contributed extensively to his community.

BACKGROUND

In December 2010, the City of Boulder adopted a Policy on Commemorative Naming of City Facilities (the "Commemorative Naming Policy"). The purpose of the policy is to allow, in appropriate circumstances, the naming or renaming of facilities, owned and operated by the city, in commemoration of persons that have made unusually significant contributions to the city.

The planning process for the park informally known as Mesa Memorial Park (MMP) began in 2008 and was initially scheduled for development in 2009 when funding was reallocated to other higher priority projects due to the economic downturn. In 2012, funding was identified once again for the development of MMP and the planning and development process was initiated with the neighborhood.

Throughout 2013, Department staff worked with the neighboring community and homeowners association to plan the development of the park. One of the key initiatives during this period was determining the park name. After conducting an extensive public input process to solicit potential park names (**Attachment B**), the community neighboring the park requested the park be named Bill Bower Park. The following quote from one of the park neighbors captures the essence of the majority of feedback about this recommendation:

> "It was a privilege to get to know (Colonel) Bill (Bower) before he died and to see

a true hero in action every day he lived. His inspiration will live on in my heart and in the hearts of so many who knew him. Naming the park after Bill is a fantastic idea and is especially fitting because of his dedication to children. He would have been happy to have a place to sit, visit with others, hear the kids play and watch the contrails cross the sky."

A formal commemorative naming application was prepared in April 2014 (**Attachment C**). Special attention should be given to the significant letters of endorsement that are attached to the application. Pursuant to the Commemorative Naming Policy, a naming committee was convened composed of Sarah DeSouza for the Parks and Recreation Department, Sandra Llanes for the City Attorney's Office and Carl Castillo for the City Manager's Office. The committee reviewed the application, and gathered and reviewed additional information that independently corroborated the claims made in the application that Colonel Bill Bower made unusually significant contributions to the City of Boulder and is worthy of commemoration. Staff then prepared this matter for review by PRAB. Members of the Bower family and a number of former neighbors and community members of Colonel Bower attended the April 21st PRAB meeting and spoke on behalf of the application. PRAB subsequently adopted a unanimous recommendation to approve the naming proposal as reflected in the attached meeting minutes (**Attachment D)**.

ANALYSIS

Parks and Recreation Department staff conducted a thorough analysis of historical and community records (**Attachments E-G**) to verify the information provided during the name solicitation process. The following is a brief history of Colonel Bill Bower's service to the United States of America and the civic role he played in the city of Boulder upon his retirement.

Service to His Country:

- Born William Marsh "Bill" Bower (Bower) on February 13, 1917 in Ravenna, Ohio.
- Bower was an American aviator, U.S. Air Force Colonel, and veteran of World War II.
- He graduated from Ravenna High School in 1934 and attended Kent State University and joined the Ohio National Guard 107th Cavalry in 1936.
- Bower graduated from the U.S. Army Air Corps Flying School in 1940 and was commissioned a 2nd Lieutenant in the U.S. Air Force on October 4, 1940.
- He joined the 37th Bomb Squadron, based at Lowry Field in Denver, Colorado.
- He transferred to the 17th Bombardment Group headquartered at McChord Field in Washington State in June 1941.
- In the months following the Japanese attack on Pearl Harbor, Bower volunteered for a then unknown, but dangerous, mission, which was to be the first American aerial attack on Japan.
- The air raid, which also came to be called the Doolittle Raid, after Lieutenant Colonel James Doolittle, took place on April 18, 1942, four months after the Pearl

Harbor attack.

- By demonstrating that Japan was vulnerable to American attack, the Doolittle Raid provided an American morale boost and opportunity for U.S. retaliation after the Japanese attack on Pearl Harbor on December 7, 1941.
- This was the only time that U.S. Army Air Forces bombers were launched from a U.S. Navy aircraft carrier on a combat mission during the war.
- The plan called for the bombers to attack military targets in Japan and to continue westward to land in China since landing a medium bomber on the Hornet was impossible.
- None of the B-25 pilots, including Doolittle, had ever taken off from a carrier prior to this mission.
- Bower piloted the "Fickle Finger of Fate", one of the sixteen B-25B Mitchell medium bombers that took off from the USS Hornet deep in the Western Pacific Ocean to attack cities in Japan.
- Bower and his five member crew bombed the Ogura refinery, two factories and a large warehouse along the docks at Yokohama during the raid. They were forced to abandon their first target, the Naval Shipyard, due to the presence of barrage balloons. On their flight to reach China, they flew over a Japanese weather boat that they strafed and sank before flying on to bail out over China.
- Bower and his crew parachuted out of their B-25 over China during the night, which was Bower's first and last, parachute jump.
- Bower landed on a hillside in China perilously close to the edge of a cliff. One of his crew members broke his foot during the parachute landing.
- Once reunited, Bower's and his crew were assisted by Chinese villagers on their four day trek to Chushien, China.
- According to Bower's own accounts, his journey back to the United States took him through Tibet, India, Arabia, Nigeria, and Brazil.
- Fifteen of the aircraft made it to China and the other made it to the Soviet Union.
- Thirteen entire crews, and all but one crewman of a 14th, returned either to the United States or to American Forces.
- Eleven members of the Doolittle Raid were killed or captured (two were killed crashing, one died after bailing out of an aircraft, five ended up in Russia where they were detained for years and eight men became prisoners of war in Japan – three of these men were assassinated).
- An estimated 250,000 Chinese civilians were killed by the Japanese during their search for Doolittle's men (germ warfare and other atrocities were used against the Chinese).
- While the raid caused negligible material damage to Japan, only hitting non-military targets, it succeeded in its goal of helping American morale and casting doubt in Japan on the ability of the Japanese military leaders.
- It also caused Japan to withdraw its powerful aircraft carrier force from the Indian Ocean to defend their Home Islands.
- The raid also contributed to Admiral Yamamoto's decision to attack Midway – an attack that turned into a decisive rout of the Imperial Japanese Navy by the U.S. Navy near Midway Island in the Central Pacific.

- In June 1942, Bower and twenty-two other members of the Doolittle Raid received the Distinguished Flying Cross during a reception at the White House.
- The city of Ravenna, Ohio declared July 3, 1942 as Bill Bower Day.
- Bower remained in the U.S. Army Air Forces throughout World War II achieving the rank of Colonel.
- He commanded the 48th Bombardment Squadron during the war and served in Africa, including the allied invasion of North Africa, and the European Theater, including Italy, until 1945.
- Bower served as a commander of a U.S. Air Force transport organization in the Arctic and commanded Dobbins Air Force Base in Marietta, Georgia.
- He was awarded the Bronze Star Medal and two Air Medals during his career.
- Bower retired from the U.S. Air Force in 1966

Service to His Community:

- Bower moved to Boulder, Colorado in 1966 with his wife, Lorraine Amman, and their four children.
- He hand-built the family home on 2372 Dennison Circle (approximately one half mile away from the park).
- He lived in Boulder until his death on January 10, 2011 at the age of 93.
- After retirement, Bower gave back to his community by serving on non-profit boards and city committees, delivering meals to the home-bound, gleaning corn for Community Food Share, starting Optimist Clubs, and founding local chapters for various organizations.
- As the retired "father" on Dennison Circle, Bower kept track of which working fathers traveled for work and on snowy days, ensured their driveways were always shoveled first.
- Bower organized lawn golf tournaments for the neighborhood boys, crafting trophies for the winners and instructed them on rocket building in his garage.
- According to one neighbor, "Bill was the warm, generous, caring epicenter of our community. My daughter says she felt like she got to grow up with an extra Grandpa right across the street.
- At the time of his death, Bower was the last remaining Doolittle Raider pilot.
- The Colonel William Marsh Bower Center opened in the Portage County Regional Airport in Shalersville Township, north of Ravenna, in June 2013

NEXT STEPS

The City Manager requests that Council support the decision to name the park located on Table Mesa between Hartford and Yale, Bill Bower Park.

STAFF RECOMMENDATION

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

motion: Motion to approve naming the park formerly known as Mesa Memorial Park to Bill Bower Park.

Attachments:

A. Policy on Commemorative Naming of City Facilities
B. Public Outreach Process for Soliciting Names for the “Mesa Memorial” Property
C. Bill Bower Naming Application
D. PRAB Minutes – April 21, 2014
E. The Boardman Camera – August 30, 2008
F. We Get By With A Little Help From Our Friends Article – Diane Bergstrom
G. Letter of Support – Joseph Boardman

CITY OF BOULDER
***
POLICIES, PROCEDURES AND GUIDELINES

Policy on Commemorative Naming of City Facilities **EFFECTIVE DATE:**

December 1, 2010

Jane S. Brautigam

Jane S. Brautigam, City Manager

I. POLICY

It is the policy of the City of Boulder ("City") to allow, in appropriate circumstances, the naming or renaming of facilities, owned and operated by the City, in commemoration of persons that have made unusually significant contributions to the City. This allowance extends to facilities that are owned by the City but leased to, and used by, another entity.

II. PURPOSE

City facilities are built and maintained at public expense and for the purpose of carrying out city business. The naming of such facilities can have long lasting implications and raise political, legal and equity concerns both within the City organization and with the public at large. The purpose of this policy is to attempt to anticipate these concerns and to provide a uniform, transparent and citywide process for addressing them.

III. SCOPE

A. **Policy Limited to Naming in Response to Commemoration of Persons** - The scope of this policy does not extend to other practices of naming city facilities, including:

1) Naming of facilities in response to sponsorship (addressed in *Policy on Sponsorship Naming of City Facilities*).

2) Naming for purposes of public identification (i.e., "North Boulder Park" and "East Boulder Recreation Center"), or

3) Naming after landmarks, including naming after local resources, geographic feature, or identifiable community characteristics.

4) Naming after past or present owners of the property, property donors, or after the name historically used for identification of the property.

B. **Applicability of Existing Department Policies** - Some City departments, including the Parks and Recreation and Community Planning and Sustainability, have policies and procedures already in place that guide the consideration of naming of City facilities within their purview. To the extent that such policies incorporate requirements that are at least as strict as this policy, including specific adherence to all five procedural steps outlined in Section VI of this policy, such department-specific policies shall continue to take precedence over this policy and be the sole documents to be adhered to with regard to naming.

III. DEFINITIONS

The following terms are used in this policy:

Commemorative: The term "commemorative" or "commemoration," as used herein, refers to the practice of naming a facility to honor persons who have over an extended period of time: demonstrated excellence, courage or exceptional service to the citizens of the City, the State of Colorado or the nation; provided extensive community service; worked to foster equality and reduce discrimination; made a significant financial donation or in-kind contribution to a City facility with such contribution significantly benefiting the community that the facility serves (i.e. the facility may not have otherwise been possible without the financial assistance), or who have; historical significance to the community, the City of Boulder, the State of Colorado or the nation.

Donation: The term "donation" describes financial or in-kind contributions that are made without restrictions on how the money or resources are to be used and without expectation of reciprocal benefit by the donee. When a contribution is made with a clear expectation that an obligation is created or that the recipient will provide something of value in return, the contribution is considered a "sponsorship," not a donation.

Facility: The term "facility, as used herein, means any City-owned land and buildings, and any features affixed to the land including components of the property such as rooms, parks, fields, trails, shelters and other components of the facility. The term "facility," however, does not extend to city streets, alleys or amenities such as trees, benches and fountains.

Person – The term "person," as used herein, refers to any living or deceased human being. It does not extend to the name of any organization, including but not limited to, a business, sole proprietorship, partnership, or corporation.

IV. CITY RETENTION OF RIGHT TO RENAME

The City retains the right to rename facilities at any time.

V. LIMITATIONS

A city facility cannot be named or renamed:

A. After an elected or appointed City official, or family member thereof, that is currently serving, at the time of application or consideration of such application.

Commemorative naming immediately after termination of a city official's terms of service, while not prohibited, is discouraged.

B. After a currently employed City staff member or volunteer, that is currently employed or volunteering, at the time of application or consideration of such application. Commemorative naming immediately after termination of a city staff member's employment, or volunteer's tenure, while not prohibited, is discouraged. Furthermore, commemorative naming for former City staff members is not appropriate when based only on tenure or performance of normal job duties.

C. After a person which has a quasi-judicial matter pending, or expected to be pending, before the City at the time of application or consideration of such application.

VI. PROCEDURES

Step 1 Consideration for naming or renaming of a City facility begins with the completion of a Commemorative Naming Application

Step 2 The proponent of the naming/renaming will be required to solicit and summarize feedback from impacted stakeholders in order to capture controversies associated with the proposal. Depending on the nature of the facility and whether the proposed name would replace a previous commemorative name, this process could include extensive outreach to nearby property owners or constituency groups associated with the facility.

Step 3 The Commemorative Naming Application, along with a summary of public comment, must then be submitted to the City Manager's Office for consideration.

Step 4 The application will first be reviewed by the **city's naming committee**; a standing committee created by this policy composed of representatives from the City Manager's and City Attorney's Office, along with a representative of the facility to be named. The focus of the committee's work can include developing a recommendation for the City Manager's consideration and documenting that recommendation.

Step 5 After reviewing all information provided, the City Manager will make a determination on whether to approve or disapprove the naming proposal. The city manager will then submit his or her decision, along with all supporting documentation, to the city council in a Weekly Information Packet (WIP) as a call-up item that allows council the ability to reconsider the city manager's decision. Until council has had that opportunity, a decision on the naming or renaming shall not be considered final.

VII. CONSTRUCTION AND INTERPRETATION

Employees who have questions concerning the interpretation or application of this policy are directed to contact the City Manager or his/her designee.

VIII. EXCEPTIONS/CHANGE

These guidelines may be reviewed and changed at any time.

IX. CITY MANAGER DESIGNEE

December 1, 2010 - Carl Castillo, Policy Advisor

Public Outreach Process for Soliciting Names for the "Mesa Memorial" Property

- On April 23, 2013 park naming ideas were requested for the new park at the public meeting. The public meeting was notified through a .25 mile radius postcard mailing, posted in News from City Hall, sent out in an e-mail blast, posters in the park and it was posted on the park web page. Community members who had previously attended Mesa Memorial Park meetings and signed up on the e-mail list also received notification and reminders. Seven viable options were presented to parks and recreation in the 2 week comment period, Bill Bower Park included. 13 of the 23 responses were for Bill Bower Park.
- The park naming process was put on hold.
- The naming process was revived again in August of 2013. The suggestion period was re-opened for park name suggestions from August 9 until August 19, 2013. The web page was updated and the community and neighborhood association were notified via e-mail.
- On Aug 19, all suggestions from April and August were posted on the park web page and sent to the neighborhood e-mail list and circulated by the neighborhood association. Suggested names were open for neighborhood input through Sept 16, 2013. The process was put on hold at this point due to the flood emergency. Two of the three comments were in favor of Bill Bower Park.
- Staff prepared a proposed park name recommendation based on the feedback provided by the community and historical data about Bill Bower. The community supported the name of Bill Bower Park. The draft recommendation was posted on March 25 and opened for public review and comment about the park name until April 14, 2014. Three of the four comments received were in favor of the recommendation for Bill Bower Park.
- Throughout the process there have been no objections to Bill Bower Park. There are community members who have expressed a preference towards other names although they have not expressed a strong objection to Bill Bower Park.

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Commemorative Naming Application

After reviewing the city's "Policy on Commemorative Naming of City Facilities" please answer the following questions:

1. **Facility Subject to Request** - What is the current name, if any, and location of the city facility you are seeking to name
   The currently un-named park is located on Table Mesa Drive between Hartford Drive and Yale Road. The current unofficial name used in working documents is Mesa Memorial Park, based upon the church previously owning the land.

2. **Proposed Name Change** - What is the commemorative name proposed for the facility?
   The Commemorative name proposed for the park is Bill Bower Park.

3. **Applicant** - What is the name of the individual(s) submitting this application and what department and/or organization, if any, are they associated with?
   Tina Briggs of the City of Boulder Parks and Recreation Department is submitting the application on behalf of the neighbors and neighborhood association in favor of Bill Bower Park.

4. **Relationship to Proposed Name Change** - What relationship, if any, does the applicant have with the individual whose name is proposed to be commemorated? (e.g., family member, employee, supervisor, business partner, etc.)
   The applicant, Tina Briggs, has no relationship with the individual proposed to be commemorated. As part of the development of a new park, staff requested suggestions for a park name from the community. Bill Bower Park was suggested and supported by the community and his family.

5. **Stakeholder Support/Opposition –** In accordance with Step 2 of the city's policy, summarize all feedback that the applicant has received from stakeholders who have an interest in the city facility. If appropriate, this could include feedback and documentation received, pro or con, after sharing the proposal with nearby property owners and/or constituency groups associated with the facility. Note that depending on the merits of the application, any anticipated controversy associated with the proposed naming, and the level of unbiased community feedback solicited by the applicant, the city may choose to subsequently conduct its own public outreach.
   The city requested suggestions for the park name and subsequently conducted the public outreach.
   - On April 23, 2013 park naming ideas were requested for the new park at the public meeting. The public meeting was notified through a .25 mile radius postcard mailing, posted in News from City Hall, sent out in an e-mail blast, posters in the park and it was posted on the park web page. Community members who had previously attended Mesa

Memorial Park meetings and signed up on the e-mail list also received notification and reminders. Seven viable options were presented to parks and recreation in the 2 week comment period, Bill Bower Park included. 13 of the 23 responses were for Bill Bower Park.

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- Throughout the process there have been no objections to Bill Bower Park. There are community members who have expressed a preference towards other names although they have not expressed a strong objection to Bill Bower Park.

6. **Supporting Documentation** - Please provide biographical information about the individual who is proposed to be commemorated as well as any public records suggesting that that individual is deserving of such public commemoration. This information should clearly connect with the City's definition of commemorative naming, particularly the City's policy of only allowing commemorative naming of facilities to honor persons who have over an extended period of time:

   - Demonstrated excellence, courage or exceptional service to the citizens of the nation; and
   - Provided extensive community service; and
   - Been of historical significance to the nation.

Parks and Recreation Department staff conducted a thorough analysis of historical and community records (Attachments C-E) to verify the information provided during the name solicitation process (Attachments C-E). The following is a brief history of Colonel Bill Bower's service to the United States of America and the civic role he played in the city of Boulder upon his retirement.

Service to His Country:

- Bower was an American aviator, U.S. Air Force Colonel, and veteran of World War II.
- Bower graduated from the U.S. Army Air Corps Flying School in 1940 and was commissioned a 2nd Lieutenant in the U.S. Air Force on October 4, 1940.
- In the months following the Japanese attack on Pearl Harbor, Bower volunteered for a then unknown, but dangerous, mission, which was to be the first American aerial attack on Japan.
- The air raid, which also came to be called the Doolittle Raid, after Lieutenant Colonel James Doolittle, took place on April 18, 1942, four months after the Pearl Harbor attack.
- By demonstrating that Japan was vulnerable to American attack, the Doolittle Raid provided an American morale boost and opportunity for U.S. retaliation after the Japanese attack on Pearl Harbor on December 7, 1941.
- This was the only time that U.S. Army Air Forces bombers were launched from a U.S. Navy aircraft carrier on a combat mission during the war.
- The plan called for the bombers to attack military targets in Japan and to continue westward to land in China since landing a medium bomber on the Hornet was impossible.
- None of the B-25 pilots, including Doolittle, had ever taken off from a carrier prior to this mission.
- Bower piloted the “Fickle Finger of Fate”, one of the sixteen B-25B Mitchell medium bombers that took off from the USS Hornet deep in the Western Pacific Ocean to attack cities in Japan.
- Bower and his five member crew bombed the Ogura refinery, two factories and a large warehouse along the docks at Yokohama during the raid. They were forced to abandon their first target, the Naval Shipyard, due to the presence of barrage balloons. On their flight to reach China, they flew over a Japanese weather boat that they strafed and sank before flying on to bail out over China.
- Bower and his crew parachuted out of their B-25 over China during the night, which was Bower’s first and last, parachute jump.
- Bower landed on a hillside in China perilously close to the edge of a cliff. One of his crew members broke his foot during the parachute landing.
- Once reunited, Bower’s and his crew were assisted by Chinese villagers on their four day trek to Chushien, China.
- According to Bower’s own accounts, his journey back to the United States took him through Tibet, India, Arabia, Nigeria, and Brazil.
- Fifteen of the aircraft made it to China and the other made it to the Soviet Union.
- Thirteen entire crews, and all but one crewman of a 14th, returned either to the United States or to American Forces.
- Eleven members of the Doolittle Raid were killed or captured (two were killed crashing, one died after bailing out of an aircraft, five ended up in Russia where they were detained for years and eight men became prisoners of

war in Japan – three of these men were assassinated).

- While the raid caused negligible material damage to Japan, only hitting non-military targets, it succeeded in its goal of helping American morale and casting doubt in Japan on the ability of the Japanese military leaders.
- It also caused Japan to withdraw its powerful aircraft carrier force from the Indian Ocean to defend their Home Islands.
- In June 1942, Bower and twenty-two other members of the Doolittle Raid received the Distinguished Flying Cross during a reception at the White House.
- The city of Ravenna, Ohio declared July 3, 1942 as Bill Bower Day.
- Bower remained in the U.S. Army Air Forces throughout World War II achieving the rank of Colonel.
- He commanded the 48th Bombardment Squadron during the war and served in Africa, including the allied invasion of North Africa, and the European Theater, including Italy, until 1945.
- Bower served as a commander of a U.S. Air Force transport organization in the Arctic and commanded Dobbins Air Force Base in Marietta, Georgia.
- He was awarded the Bronze Star Medal and two Air Medals during his career.
- Bower retired from the U.S. Air Force in 1966.

Service to His Community

- He hand-built the family home on XXX Dennison Circle (XXX miles away from the park).
- He lived in Boulder until his death on January 10, 2011 at the age of 93.
- After retirement, Bower gave back to his community serving on non-profit boards and city committees, delivering meals to the home-bound, gleaning corn for Community Food Share, starting Optimist Clubs, and founding local chapters for various organizations.
- As the retired “father” on Dennison Circle, Bower kept track of which working fathers traveled for work and on snowy days, ensured their driveways were always shoveled first.
- Bower organized lawn golf tournaments for the neighborhood boys, crafting trophies for the winners and instructed them on rocket building in his garage.
- According to one neighbor, “Bill was the warm, generous, caring epicenter of our community. My daughter says she felt like she got to grow up with an extra Grandpa right across the street.
- At the time of his death, Bower was the last remaining Doolittle Raider pilot.
- The Colonel William Marsh Bower Center opened in the Portage County Regional Airport in Shalersville Township, north of Ravenna, in June 2013

City of Boulder
Parks and Recreation Advisory Board
Valmont Bike Park Platt Farmhouse
Valmont and Airport Roads
April 28, 2014
Summary Meeting Minutes

To listen to the Parks and Recreation Advisory Board meetings in their entirety, please go to the following link: www.boulderparks-rec.org

Board Present:
Mike Conroy, Myriah Conroy, Michelle Estrella, Kelly Wyatt, Marty Gorce, Tom Klenow
Board Absent: Mike Guzek
Staff Present:
Sally Dieterich, Jeff Haley, Sarah DeSouza, Alison Rhodes, Jeff Haley, Kady Doelling, Teri Olander, Abbie Poniatowski, Doug Godfrey, Dean Rummel, Jody Tableporter, Matt Hickey
Guests present:
Don Orr and Michele DeBerry, Boulder Valley School District
Zach Johnson, Kimmerjae Makurus, U.S.Cycling Association

The meeting was called to order at 6:00 p.m.

I. APPROVAL OF AGENDA

The agenda was approved.

II. ELECTION OF OFFICERS AND NEW PRAB MEMBER INTRODUCTION

Vice chair Conroy (Mike) introduced and welcomed new board member Tom Klenow. Klenow was administered the oath of office by the Parks and Recreation Advisory Board (PRAB) secretary Sally Dieterich on April 2, 2014.

Gorce nominated Conroy (Mike) for board chair. Estrella seconded the motion. Estrella nominated herself for board chair. Conroy (Myriah) seconded the motion. There were no additional nominations. The motion for Conroy (Mike) passed 5-1 with Klenow abstaining.

Conroy (Mike) nominated Conroy (Myriah) for board vice chair. Estrella seconded the motion. There were no additional nominations. The motion passed unanimously, 6-0.

III. FUTURE BOARD ITEMS AND TOURS

Poniatowski provided a timeline update on future board items:

- 5/19/14 PRAB meeting – On-going park development updates, operational budget update, Valmont City Park planning update with consultants present
- 5/6/14 Council meeting – Parks and Recreation Department declarations signed by Mayor Appelbaum for National Kids to Parks Day and 30 Years of Excellence in Programming

IV. PUBLIC PARTICIPATION

Conway (Mike) suggested that agenda item VII-A, the request to rename Mesa Memorial Park to Bill Bower Park, be moved forward to the public participation portion of the meeting due to the large number of public in attendance.

Estrella made a motion to move the item. Gorce seconded. The motion passed unanimously, 6-0.

Public participation was opened.

James Bower, non-resident, asked the department to rename the park informally named Mesa Memorial Park to Bill Bower Park in honor of his late father. He said his dad lived in Boulder for 45 years, was grandpa to all the neighborhood kids and naming the park for him would be an honor.

Mindy Bower, non-resident, said her dad was a good neighbor, always helping all the neighborhood kids with their projects. She spoke in support of renaming Mesa Memorial Park to Bill Bower Park for her late father.

Joe Boardman, resident, said Bill Bower was bigger than life and a world class person. He spoke in support of renaming Mesa Memorial Park to Bill Bower Park.

Diane Bergstrom, non-resident, said she met Bill Bower later in his life. She added that he was a wonderful neighbor with kids and animals always coming first. She spoke in support of renaming Mesa Memorial Park Bill to Bower Park.

Sue Kranzdorf, resident, said Bill Bower loved kids and welcomed many to the neighborhood. She added that he was warm, generous, kind and an exceptional quality human being. She spoke in favor of renaming Mesa Memorial Park to Bill Bower Park.

Clay Evans, non-resident, said he grew up in Bill Bower's neighborhood, when the kids called Bill "Mr. Bower". Bill was always available to help the kids with projects and became like a second dad to many. He spoke in favor of renaming Mesa Memorial Park to Bill Bower Park.

Public participation for the park renaming was closed.

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DeSouza presented this item, requesting a recommendation from PRAB for the purpose of naming the park Bill Bower Park. She said that Mesa Memorial was simply a working name for the property with park naming a part of the park development process. She added that the department is honored to bring this forward to the city manager.

PRAB was unanimously in support of the renaming proposal and made a recommendation to rename Mesa Memorial Park, Bill Bower Park. They also requested that the park have some interpretive signage added, providing biographical information on Bill Bower.

Public participation was reopened for general comments.

Asnat Macoosh, resident, thanked staff for the changes made to plans for Harlow Platts Park development. She referenced the warming hut, requesting the pavilion be built where the warming hut is currently located. She also asked that a pre-fabricated shelter be located near the soccer fields to provide shade. In addition, she asked that staff develop a plan to remove geese droppings.

Public participation was closed.

V. CONSENT AGENDA

A. Approval of minutes from March 17, 2014.

The minutes from March 17, 2014 were approved as written**.**

B. Informational Items

1. Park Development Update
2. Flood Recovery Update
3. Upcoming Planning and Development Public Engagement Opportunities

Written updates on these items were provided to the board as part of the packet materials and required no board action or discussion. Haley explained that informational items could be opened for discussion at the board's request.

Estrella asked about next steps for the Harlow Platts Park development.

Haley responded that the design will be finalized after receiving feedback from the neighbors. He added that the department does not require a PRAB recommendation to move forward, but that updates will continue to be provided.

Conroy (Myriah) requested more information/plans on Crestview Park prior to the public meeting on May 14, if possible. She also asked if the park would be closed during renovations.

Godfrey responded that most likely the park will have limited closure during that period in late summer/early fall 2014. He added that ultimately this decision would be made by the contractor.

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Conroy (Myriah) also asked for a Civic Area update and status on the Boulder Reservoir site management plan.

Haley responded that Sally would provide a website link to PRAB. He said the biological inventory/assessment will be finalized soon and available to the community.

VI. ITEMS FOR ACTION

A. Public Hearing and Consideration of Motions Approving the 2015 Expenditures from the Permanent Parks and Recreation Fund and 2015-2020 Parks and Recreation Department Capital Improvement Program (CIP).

Haley presented this item providing a recap of previous CIP discussions and the role of PRAB in the CIP process. He added that PRAB is requested to hold a public hearing and provide a recommendation to city council approving or disapproving expenditures or appropriations from the Permanent Parks and Recreation Fund (Fund 230).

The public hearing was opened.

No one spoke.

The public hearing was closed.

PRAB was asked to consider two motions:

1. Motion to approve the 2015 recommended expenditures from the Permanent Parks and Recreation Fund (Fund 230).
2. Motion to approve the recommended 2015-2020 Parks and Recreation Department Capital Improvement Program (CIP).

<u>Estrella made the following motion:</u>
I move that PRAB approve the 2015 recommended expenditures from the Permanent Parks and Recreation Fund (Fund 230).

Gorce seconded the motion.

<u>Vote by roll call:</u>
Conroy (Mike) – yes
Conroy (Myriah) – yes
Estrella – yes
Wyatt – yes
Gorce – yes
Klenow – yes
Guzek - absent
The motion passed 6-0.

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Estrella made the following motion:
I move to approve the recommended 2015 to 2020 Parks and Recreation Department Capital Improvement Program (CIP).

Gorce seconded the motion.

Vote by roll call:
Conroy (Mike) – yes
Conroy (Myriah) – yes
Estrella – yes
Wyatt – yes
Gorce – yes
Klenow – yes
Guzek - absent

The motion passed 6-0.

VII. ITEMS FOR DISCUSSION/INFORMATION

A. Request to Rename the Park Informally Named Mesa Memorial Park to Bill Bower Park.

By request, this item was moved forward to agenda item IV.

B. Financial Strategy Discussion

Staff continued this discussion as part of the on-going financial strategy planning, reviewing data modeling for the Boulder Reservoir and athletic fields and provided the following recommendations:

- Services rated as exclusive would have phased fee increases to reach actual costs to provide services
- Support fees that the market will bear
- Develop an enhanced financial aid program to provide services to all

Next steps:

- Staff to complete comprehensive analysis of all services using methodology supported by PRAB
- Staff will return to PRAB in fall 2014 to provide recommendations for 2015 fee changes and implementation of fee standardization

VIII. MATTERS FROM THE DEPARTMENT

A. BVSD Capital Improvement and Subcommittee

Don Orr and Michele DeBerry, from Boulder Valley School District (BVSD), spoke briefly on the BVSD draft needs assessment of recreation facilities and the continued partnership between the City of Boulder and BVSD for recreation opportunities. Noted were current projects:

- Athletic fields need assessment
- City athletic fields feasibility study – Valmont City Park planning
- Aquatic facilities feasibility study
- Update of joint use agreement

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- Great Outdoors Colorado (GOCO) schoolyard improvement at Horizons/University Hill Schools
- Capital Improvement Bond for Crestview Park/Columbine Park

B. Emerald Ash Borer Update
Staff provided a written update on this item.

C. North Boulder Park Update
U.S. Cycling Monument (USCM) representatives spoke briefly on the status of the project providing updates:

- New design passed the art commission
- Funding status remains unchanged
- New design increased budget by $17,000

Additional updates will be provided at a future PRAB meeting.

D. Valmont City Park Planning
Godfrey provided a timeline update on this item:

- 1/22/14 – Project kick-off with staff and consultants, MIG
- 1/14 – Staff provided a community survey to determine public preferences for Valmont City Park South development
  - 3,000 households selected for participation
  - 621 responses/22% response rate
- Roundtable planning meetings to be scheduled
- Athletic field needs assessment focus group meetings
- Youth engagement

IX. MATTERS FROM BOARD MEMBERS
There were no matters from board members.

X. NEXT BOARD MEETING: May 19, 2014

XI. ADJOURN

The meeting adjourned at 8:45 p.m

APPROVED BY PARKS AND
RECREATION ADVISORY BOARD

_____
Mike Conroy
Board Chair

DRAFT

Attest:

_____
Sally Dieterich
Recording Secretary

DRAFT

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The Boardman Camera

Saturday, August 30, 2008, Vol. 2, No. 64

Labor Day

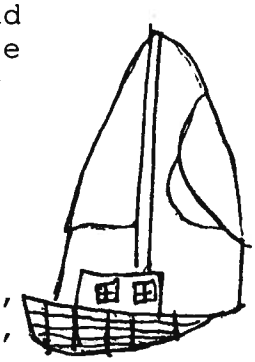
Did you know that Colorado was one of the first five states to make Labor Day a state holiday?

The very first Labor Day was in 1882, in New York City. It was the idea of people in a labor organization called the Knights of Labor. They wanted to honor the average worker.

About 10,000 workers gathered to be in the parade. They had a picnic, concerts, and speeches after the parade.

In 1887, five states made it a state holiday: Oregon, Colorado, Massachusetts, New Jersey, and New York. Then, in 1894, it became a national holiday.

Now there are often parades and speeches, but the main thing Labor Day is to most people is a way to mark the end of Summer. They often do a final outside pool day, hike, go boating, go camping, and have cookouts.



Whatever you choose to do, I hope you have fun!

The Boardwalk: The DNC

On Thursday, we went to the Democratic National Convention. Next week, I'll do a story about it; this is the story of our way in.

We drove down to a gas station near INVESCO, and Mommy and I got out. We only had two credentials, and Daddy put them in our names. ("Credential" was the word they used for "ticket.")

We went across the street and found the end of our gigantic line. As we made our way down it, people were selling buttons, t-shirts, rally towels, hats, and miniature Obama dolls. The prices were all different. Some people sold buttons for $5 each, some sold them for $4 each, and some sold them for $3 each. T-shirts ranged from $5 to $20.

It was hot and sunny while we were in line. The people in line were happy and anxious to get in; they were in good spirits and chatty. Most of the people around us were from Denver, but we met a woman from Knoxville, Tennessee, and a group of people from Kansas City, Missouri. *Cont. p. 2*

Eli Boardman, Publisher

The Boardwalk, cont.

When we got through one checkpoint, we went on a fast part to security. The fast part was where it had been really blocked up with people earlier, and the line zigzagged back and forth across a huge parking lot. Now the line was really moving; we didn't have to stop and wait there at all. Besides its being faster, there were people giving out free bottles of cold water, which was really appreciated. Everyone seemed really happy.

Finally, we got to security. They didn't check much! We walked through a metal detector, like at the airport, and TSA people looked through Mommy's pocketbook, but that was all we had to do.

It felt good to finally be in!

Once we were inside, though, we had another long, fast walk to our section, which was up high. We were in section 511. Finally, we found two seats. It was about two hours since we had gotten in line.

Next week, we'll tell you all about actually seeing Obama and the other speakers. It was fun!

The Doolittle Raiders

The Doolittle Raiders were a group of 80 men who bombed Tokyo during WWII four months after the Japanese attacked Pearl Harbor. They were led by then Lt. Col. Jimmy Doolittle.

It was a surprise attack and a hazardous mission. The men all volunteered, but they did not know what they were going to do or even where they were going to bomb. They made up the crews for sixteen B-25s.

When they went to train, they found out they were going to have to take off in 400 feet, which is a very short takeoff for a B-25. They wondered why they would have to take off in such a short distance; they never guessed they would be taking off from an aircraft carrier, the *USS Hornet,* to bomb Tokyo. Doolittle was the only one who knew the details of the mission.

When they got on the *USS Hornet,* hundreds of miles away from the coast, the Navy men aboard the ship and the Doolittle Raiders finally found out what they were going to do.

They were planning to get close to the coast of Japan before releasing the bombers on a surprise nighttime attack. But a Japanese fishing boat saw

Cont. p. 3

The Doolittle Raiders, cont.

the aircraft carrier coming close to Japan. They decided to launch immediately so the fishing boat couldn't warn Japan about the attack.

The B-25s on the mission were made special to carry extra fuel, but they were a whole day and 400 miles away from their planned launch site. There were whitecaps on the ocean, and it was raining on and off on the deck of the carrier. But still they had to take off.

So they did, at intervals. Once in the air, each plane was on its own. After takeoff, each plane would fly around the carrier one time, and someone from the Navy would hold up a cardboard sign with the airspeed and the compass heading of the carrier.

Then they were off on their individual missions to bomb different sites. They were successful and dropped their bombs on military and other targets. Then they headed to China, where they were supposed to land in this one town and meet up. Since they were far from Japan at takeoff, they had to use extra fuel to get to Japan. They didn't have enough fuel left to get to their destination in China.

They stayed with their planes until they ran out of fuel. Some of the crews got themselves high enough that they could bail out, parachuting to the ground. Some were down low when their plane ran out of fuel, and they crashed.

Before the mission, they estimated that only one-half would survive. Actually, 77 survived the mission. Only 2 were killed crashing; one died after bailing out. One crew ended up in Russia where they were detained for years, and 8 men ended up prisoners of the Japanese (some of these were later killed).

It wasn't a gigantic battle they did, but it raised Americans' spirits, and all the Allied Forces felt good because Japan suffered a surprise attack, like Japan had done to the U.S.

The Doolittle Raiders were instant heroes. There are still eleven of them alive today, and one lives in Boulder. See the "Spotlight" this week on Bill Bower.

Hot Sulphur Springs

Last week, we promised to tell you of our trip to Hot Sulphur Springs. Again, we ran out of space/time. We *promise* it will be in next week's paper!!!

Spotlight: Bill Bower, Doolittle Raider Pilot

Colonel Bill Bower was the pilot for plane 12 on Jimmy Doolittle's Tokyo raid. He now lives on Dennison Circle.

As the pilot, he got to choose which targets he would bomb. He picked the Naval Shipyards just outside of Tokyo. No one else wanted that target because they thought there would be a lot of guns shooting at them.

"I wasn't happy about killing people, so I said, 'That's OK, I'll take that target,'" said Bower.

When he got there, there weren't many guns. But that is getting ahead of ourselves, so let's backtrack a little.

All the Doolittle Raiders were volunteers, and Bowers said he went because he knew Doolittle.

"He was standing right in front of me when he said, 'I need volunteers for an aviation mission.' So I said, 'Sure, I'll go.' I knew the man, and that he was a good man."

Bower and his other air friends didn't know where they would be going or what they'd be doing. But Doolittle told them not to talk about it amongst themselves, so they didn't.

"When we were out at sea," he said, "they called all hands on deck. No one had a radio, and the only contact was by word of mouth. Doolittle said, 'Gentlemen, we're going to Tokyo.'"

When it was actually time to take off and leave the ship, Bower said they didn't have time to be scared. He said that he remembered that on the carrier, they were all bored to tears, so they were anxious to get started, but they still had 400 miles to go until takeoff when it all began.

"We airmen were sleeping when our ship met a foreign vessel," said Bower, "and the loudspeakers called out, 'All hands man your battle stations.' That scared everybody! I just got up, got what I needed to fly—my jacket and my low-profile shoes—and left." He also took his pistol, which his father had carried in WWI.

When he got to his plane, he said he was not scared, that there was only one feeling, and that was to get off that carrier.

This is how Bower remembers it all:

"When I went up on the deck, of course everything was in chaos because we were going. I got my crew and got on the airplane; two fellows were in back, three were in front.

"At that time there wasn't any feeling because you had to go. I was just

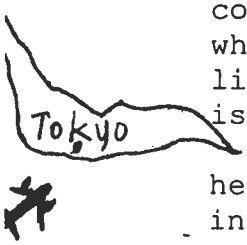
Cont. p. 5

Spotlight: Bill Bower, cont.

feeling the next thing: get off that carrier. We took off at 10-15 minute intervals.

"Each pilot took off on his own, made a circle, went back over the carrier, then stayed down at low levels right above the waves. We just kept going and going until at last this beautiful green island appeared in the haze."

[Bower paused here. We could see he was picturing what the island looked like. Of course, this island was Japan.]



"I made a left turn and headed towards Tokyo. Within a short time, sure enough, there was Tokyo Bay. We could see the Naval Shipyard."

[Over his primary target, the Naval Shipyard, there were barrage balloons. So Bower went to his secondary target: an oil refinery, a tank yard, and a warehouse.]

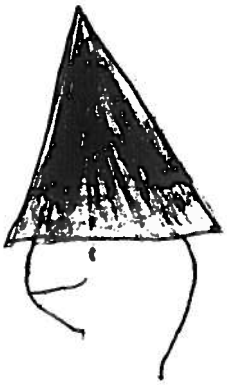
"We dropped our bombs, and after that, we stayed real close to the ocean. We set our course to go to China. We stayed on that course a long period of time. Then we climbed to save fuel. We didn't know *what* China looked like. We kept going and going and going, and all of a sudden, it got dark."

While some of the planes flew low and crashed, Bower flew high. One engine quit, and everyone went forward and put on their parachutes. They knew they were over land, and Bill said, "Let's get ready."

They opened the hatch, the other engine quit, and they all took turns jumping out. Last was Bower. It was his first and last time ever parachuting.

"I floated down and touched down rather gently," he said. "It was raining and I was exhausted, so I rolled up in that chute and went to sleep. I knew I was alive, but I didn't know if my crew was."

When he woke up in the morning, he walked around a little and saw he had landed right by a giant cliff. It was a good thing he didn't walk around when it was dark! He wrapped up his parachute and walked down a trail to the bottom of the cliff, where he met a Chinese man. All Bower knew how to say in Chinese was *"Lushu hoo megwa fugi,"* which means "I am an American."



"He just grinned at me," Bower said, "and I thought, 'My gosh! I hope he's Chinese!'"

The man took Bower to a house, where a family took him in. He knew they were Chinese but didn't know if

Cont. p. 6

they were friendly or unfriendly.

"Then missionaries came in, and they could speak English," said Bower. "Everyone knew what we had done and that we were friendly to the Chinese."

He later met up with his own crew and Doolittle. He said that the Chinese treated him very kindly.

Then, he went to Tibet, then into India. He crossed India on a train to Arabia, where he said he "hitch-hiked" a ride on a Pan American flight to Lagos, Nigeria. Then he took a flying boat to Brazil. (A flying boat is a plane that can land in the water.) From Brazil, he went back to the U.S. and his family's home in Ohio.

"I had fallen in love before the mission," he said, "and somehow they flew her out to Ohio. A priest married us, and we got in my '44 convertible and drove back to Denver, where I had been living."

His wife, Lorraine, was from Denver.

All the Raiders got a hero's welcome.

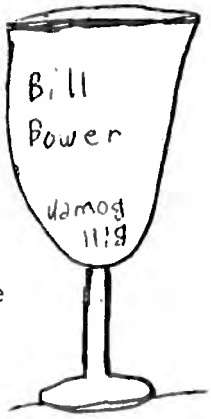
"We got to be in a lot of parades and got our backs slapped a lot."

He went back to work in the war, in Africa, Italy, and England. After the war, he stayed with the Air Force until 1966. He retired with the title of Colonel.

Eli with Bill Bower.

Before he retired, he was stationed in Newfoundland. He was the first pilot to land on an Arctic runway without skis.

After retiring, he and Lorraine moved to Boulder, where they built a house on Dennison Circle. Bower built the house himself, he said, because he didn't have a job at the time. They had four children.



Every year, the Doolittle Raiders have a reunion. At it, they toast those who have gone before them. They use a set of silver goblets that the city of Tucson, Arizona, gave them in 1959. There's one of each of the 80 men on the mission. Each has a name of one of the

Cont. p. 7

Spotlight: Bill Bower

men engraved on it, right-side up and upside down. They stay in a glass case, and at the reunion, they do a roll call. Someone says, "here" when his name is called, or it's silent. If it's silent, it means that person has died, so they turn his goblet upside down and put it back in the case. After the roll call, they toast "those who have gone before."

When there are only two goblets left, the two remaining men will share a bottle of cognac from 1896, which is the year that Doolittle was born. And they'll complete the ceremony for the last time.

We hope Bill Bower gets to drink the cognac!

The goblets and cognac.

War Hero

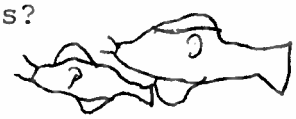
When I asked Bill Bower what it was like, living his whole life as a war hero, he said, "I'm not a hero. I just did a job, just like if your mommy needs some milk, and your daddy goes and gets it."

We see his point, but he really is a war hero.

Joke of the Weekend

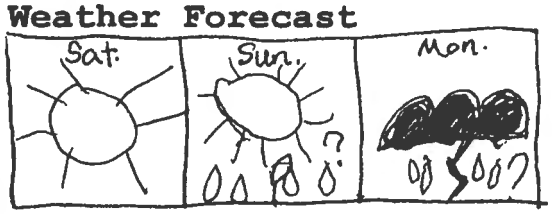
What do you call fish with no eyes?

Fsh!



Thanks to Jenny and Amy Greene for the joke this weekend.

Weather Forecast



Mostly sunny Sat. and Sun.; highs around 90°; lows in the upper 50°s. Light breeze in the afternoon and a chance of a thunderstorm on Sun. Mostly cloudy Mon., Labor Day; highs in the low 80°s; lows in the low 50°s. Chance of afternoon thunderstorms.

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Briggs, Tina

From: Diane Bergstrom [earthmasks@hotmail.com]
Sent: Sunday, August 11, 2013 4:50 PM
To: Diane Bergstrom; Briggs, Tina
Cc: Mary Brannaman; Mindy Bower; JimSusan Bower; Bill Bower
Subject: To name a park.....

Hi!

I am responding to the solicitation of public opinion to name a small west Boulder park after retired Colonel Bill Bower and would like to submit the following article that appeared in the Highlander Monthly the year Bill passed away. It will give you more insight into the man he was, the neighbor he was, the community he served and how well loved and respected he was by many. I would love to see the park named after him and believe he would have been very pleased too. He adored children and always had time for them, and in his later years, when I knew him, he would have preferred to talk and play with children rather than discuss his on historic accomplishments.
Please let me know if you would like to have photos that accompanied this article, or any other photos of Bill with children he knew.

Diane Bergstrom, 720.300.8144

We Get By With A Little Help From Our Friends

Article & Photographs by Diane Bergstrom for Animals & People Together

The lyrics came to mind to the "title" song as I observed Ty, a large border collie mix who is obsessed with retrieving or mouthing anything from blades of grass to 10' branches, help Ace, an aging schnauzer mix with diminishing eyesight, hearing, and sense of smell, find his lost stick. If I didn't throw the stick directly in Ace's line of vision, the search was on. Younger and faster Ty, with stick in mouth, barked on the run, located Ace's lost stick, nosed it then tapped it with his foot. If Ace was paying attention, he then followed him to the treasure. Ty seemed just as pleased and herded Ace back toward me. I hummed the old Beatle's tune while I observed this action enough to establish a pattern of dog helping dog.

Animals and People Together (a non-profit organization) recognizes, values and supports the cyclical healing that can happen when people help people, people help animals, animals help animals, animals help people. Last month, Ace, who helps me with my elder care, and I had to say goodbye to a beloved client who, after leading a rich and full life, passed away one month shy of his 94th birthday. I originally started helping him, then Ace joined me to help him, then as the cycle spun, we all helped each other. The "Colonel" was a life-long dog lover who quickly took to Ace and they became devoted, caring friends. The Colonel, concerned about Ace's welfare, once asked, "Does his family think as highly of him as we do?" and was ready to send him to his daughter if the answer wasn't satisfactory.

Ace sensed the extra attention needed to help an aging body that couldn't bend easily, by tucking a ball on to the wheelchair seat and nosing it under an arthritic hand for games of fetch. Dog play accomplished therapeutic exercise and range of motion activities. The Colonel become more alert and engaged with a leash in his hand and looked forward to "walking the dog." Ace instinctively heeled next to the wheelchair, without ever pulling on the leash–even when squirrels were sighted. Ace took "orders" exceptionally well and soaked in the praise and affection from the Colonel. He also enjoyed the pace. When the Colonel napped, Ace napped. When the Colonel sat at the table or in front of the TV, Ace sat at his feet, the Colonel often confirming his position. He observed, "Ace works really well with me. An old dog and an old dog." The Colonel enriched Ace's life, giving him undivided attention and sometimes, when the mind drifted back to the Air Force days, pondered how well he would fly, confirming I understood Ace would be traveling with him.

The Colonel's social circle became Ace's social circle, every visitor was a potential ball-thrower and he soon knew everyone on the Colonel's close-knit street. After retirement, the Colonel richly gave back to his community: serving on non-profit boards and city committees, delivering meals to the home-bound, gleaning corn for Community Food Share, starting Optimist Clubs, and founding local chapters for various organizations. His was an exemplary life of service, leadership, loyalty, gratitude, optimism, engagement, consideration, commitment, patriotism, humility, bravery, generosity, honor, kindness, humor, common sense and love. Being the retired father on the street, the Colonel tracked which working fathers traveled the farthest, and on snowy days, ensured their driveways were shoveled first. He arranged lawn golf tournaments for the neighborhood boys, crafting trophies for the winners. He instructed them on rocket building in his garage. Some of those children, now adults, still stopped by to visit on lawnchairs in the front yard, and all played with Ace. Except for visiting dogs. Then Ace took up a protective position under the wheelchair where he subtly, silently raised an upper lip.

During a visit several months ago, the Colonel and his daughter discussed their favorite departed dogs whom they expected to see in the afterlife. The Colonel named, "Willum", his favorite dog from 70 years ago. A photo of the Colonel, with his arms around Willum, was displayed at the funeral and his daughter noted how much Ace resembled Willum. The day the Colonel passed, I lowered the hospital bed for Ace to say goodbye. He gently laid his head on the Colonel's arm for a few moments, then curled up next to the bed, his sentry position for the last several weeks. While a daughter hugged and comforted a granddaughter, Ace wedged himself between their legs, seemingly to comfort them both. The Colonel had "owned" Ace as family and Ace made this family his own. While making funeral arrangements, and notifying many friends and family, the Colonel's daughters asked that Ace attend the service. He was the only dog invited. Wearing his black neck band, he approached people he knew, sat quietly next to the pew during the service, and wandered through the visitors as we watched a B25B Mitchell bomber do fly-bys over the church. People I didn't know greeted Ace by name. A grownup golf trophy recipient tossed pinecones for him. When the family gathered for a photograph before the service, Ace trotted over to the posed group and sat down, front and center. As I called him back, the family insisted he stay. No one would have been more pleased than the Colonel. His passing leaves a hole in many people's lives and in a way, Ace

filled a hole in his. Ace and I love and miss you very much, Colonel, but we know that Willum is so happy to be with you again.

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Briggs, Tina

From: Joseph Boardman [boardman@aigllc.com]
Sent: Friday, April 26, 2013 9:20 AM
To: Briggs, Tina
Subject: Bill Bower Park

Dear Ms. Briggs,

I'm writing to join the growing list of neighbors who believe the best name for our new Pocket Park is Bill Bower Park. I'll explain why, but first I need to thank you for the great meeting this week at Bear Creek. All the neighbors appreciate the persistence you and your P&R colleagues have shown in getting us this far along, to where we can really see the new park coming. I know we can come across as a tough crowd but we really do appreciate the service we get from the City.

Once I heard the idea about naming the park after Bill, I knew it was the only and best choice. Bill was not only a true American Hero but I never met a nicer man. He was capable, humble and so kind to children. Table Mesa is not exactly Mapleton Hill when it comes to history, but Bill is our exception. Bill and his wife, Lorraine moved to Boulder in 1966, and built their own house, by hand, just as the neighborhood was coming into being. The both lived in that house, on Dennison overlooking the park, for the rest of their lives. Bill died just two years ago. Here is the link to the Daily Camera story about him: **http://tinyurl.com/bill-bower-obit** . There was a moving B-25 flyover at his funeral at St. Martin de Porres, where he was a parishioner for many years, the church just across the street from the park. So, obviously, he is as historic and as relevant a neighborhood person as Table Mesa can have.

No doubt others have related Bill's Doolittle Raiders actions to you. But what strikes me about it all was knowing him as a person, shaking his hand, sitting with him outside his house under the Flatirons. And then contrasting that with what he did and how brave he was. He was so humble and kind. No hero attitude. His quote was,"We had a job to do and we did it, same as everybody."

Yet he was one of the 16 Pilots-in-Command of the B-25s that sent the first message back to Japan that we would not tolerate being attacked. I'm no fan of war. Neither was Bill, he chose a highly defended military target to limit civilian casualties from his actions. I've got real issues with our two most recent wars and pray we never fight another. But WWII really was different, and honoring Bill can help keep that fading memory alive. In that conflict millions of Citizen Soldiers dropped what they were doing and headed into the four corners of the globe to protect freedom and overturn tyranny, for people they didn't know and never had met. Bill's job, taking that bomber off the Hornet on a one-way flight, was no doubt considered by those who sent him literally a suicide mission. But he did it. And he and his entire crew survived.

When we could get him to discuss it, his favorite part to recount was not the dangerous takeoff and famous mission itself, when he literally had the lives of his crewmen and the hopes of the Nation in his hands. Instead, he talked about the end of the mission. Once they got to China, in the dark, no homing beacons despite the plans, they were lost and out of fuel. He was unsure if the land below the clouds was Japanese-held or not. He said that as they ran out of fuel, he climbed the plane as high as he possibly could above the clouds and wished his crew good luck as they bailed out one by one. Last to leave, Bill jumped into the dark over China and pulled his ripcord.

His favorite part of the story, however, was about when he hit the ground. It was dark. They had been separated. He knew that morning would bring its own challenges. So he said he rolled himself up in his parachute and decided to get some much-need rest. Deal with tomorrow when it comes. At dawn he saw he

had landed literally on the very edge of a several-hundred-foot cliff. Had he rolled himself up in the other direction, he would have died falling of that cliff. This irony about the thin line between where we find danger and where we find comfort, really seemed to give him a kick. With the story told, he would brush off any admiration, telling kids, "I'm not a hero, I just did a job, like if your mommy needs some milk and your daddy goes and gets it." That is who Bill was, and it was no milk run.

Coincidentally the Doolittle Raiders were in the news this week again. They had a tradition of meeting yearly and honoring those who had died,. The final meeting was this week, where the three survivors toasted their comrades with a special bottle of 1896 cognac they had been saving. I'm sure many who knew him are thinking of Bill this week.

So, please do what you can and let me know what I can do to make this happen. I'd be happy to come to a PRAB meeting or a City Council meeting to relate this, as would many of his neighbors here.

Thanks for reaching out to the neighborhood to look for a name. Bill Bower Park would be a fitting tribute to this remarkable Citizen of Boulder, the Nation and the World.

Best Regards,

Joe Boardman
2935 Baylor Dr
Boulder, CO 80305
303 543-9960

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: August 19, 2014

AGENDA TITLE
First reading, consideration of a motion to publish by title only, and adoption as an emergency measure Ordiance No. 7990 temporarily suspending the acceptance of building permit and site review applications that will result in adding residential floor area to those areas zoned BMS that are located in the general area described as the University Hill business district until March 18, 2015 and setting forth related details.

PRESENTER/S
Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
David Driskell, Executive Director of Community Planning and Sustainability
Susan Richstone, Deputy Director of Community Planning and Sustainability
Charles Ferro, Land Use Review Manager
Molly Winter, Director, Downtown and University Hill Management Division/ Parking Services
Ruth McHeyser, Project Manager

EXECUTIVE SUMMARY
The purpose of this agenda item is for City Council to consider an emergency ordinance that would temporarily suspend the acceptance of building permits or site review applications that would result in the addition of residential floor area in the University Hill business district (i.e., properties within the BMS zoning district). The ordinance would expire on March 18, 2015, which allows the time necessary (approximately seven months) for staff to bring back to City Council proposed revisions to the zoning district that address the concerns that gave rise to the proposed ordinance.

University Hill revitalization is one of the City Council's top priorities. The long-term vision for the Hill is described in the University Hill Area Plan as "a safe, comfortable, and attractive place to shop, work, visit and live." The current economic environment on University Hill strongly

favors rental housing, particularly student housing, over all other uses allowed in the zoning district. An over-concentration of student housing in this area would run counter to the vision reflected in the BVCP which describes the Hill business district as "an activity center that serves a variety of commercial, entertainment, educational and civic functions," and "also serves as a neighborhood center for the surrounding area, providing a wide range of activities drawing people from the entire city as well as the region." (2010 BVCP, pages 20 to 21).

The proposed ordinance will allow time for staff to develop proposed revisions to the BMS zoning district standards--to be considered by City Council before the ordinance expires in March, 2015--that implement the BVCP vision.

The timeframe for this project is very tight, so it is important that the scope remain narrowly focused on zoning district standards, uses, and boundaries. Issues that will <u>not</u> be addressed as part of this project are as follows:

- The project will not increase the currently allowed maximum Floor Area Ratio in the University Hill BMZ zoning district (i.e., 1.85: 1).

- Although the project will attempt to address some issues related to market dynamics and what it will take to make implementing the Hill vision financially feasible, it will not solve them. The purpose of this project is to prevent a short-term economic environment from imposing long-term changes to the character of the Hill. Solving the underlying issues will require a variety of longer-term efforts, including those discussed later in the memo.

The process for developing proposed zoning district revisions will include outreach to key stakeholders, such as affected property owners, the University of Colorado, CU students, and the University Hill neighborhood. Planning Board will make a recommendation to City Council on any proposed changes to the land use regulations. We will also seek feedback from the University Hill Commercial Area Management Commission (UHCAMC).

An initial ordinance that was approved by City Council on July 29, 2014, expires on August 20, 2014. It suspends acceptance of *all* building permits or site review applications that would add floor area in the Hill business district, whereas the attached ordinance more narrowly affects residential floor area only. This will allow all non-residential development proposals to submit building permit and site review applications. Additionally, under the provisions of the attached ordinance, projects will be allowed to submit an application for concept plan review and comment, a non-binding process that results in neither approval nor denial. Concept plan review gives property owners an opportunity to evaluate conceptual site development options at an early stage, where they can "test" development options before investing in creation of detailed plans and engineering, and begin a dialogue with staff, the community and the Planning Board about potential projects.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests City Council's consideration of this matter and action in the form of the following motion:

Motion to publish on first reading and adopt an emergency ordinance temporarily suspending the acceptance of building permit and site review applications that will result in adding residential floor area to those areas zoned BMS that are located in the general area described as the University Hill business district until March 18, 2015 and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The intent of the ordinance is to provide the time needed to refine the zoning in the area to support the long term diversity of land uses on the Hill that promote a diverse and sustainable economy.
- Environmental – Any potential environmental impacts will be considered as part of the proposed code changes.
- Social – Refinement of the zoning to promote a diverse mix of uses on the Hill would support a more diverse demographic mix of community members spending time on the Hill.

OTHER IMPACTS

- Fiscal – The additional staffing and consulting resources (e.g., economic analysis) to support this project are estimated at approximately $50,000, and will be funded from Community Planning Sustainability's 2014 budget.
- Staff time – Additional staff resources will be required. A project manager is being hired as a temporary employee to lead this effort.

BACKGROUND

On July 29, 2014, City Council approved an emergency ordinance temporarily suspending the acceptance of building permits and site review applications that would result in adding any floor area to properties within the University Hill business district (specifically, properties within the BMS zoning district as shown in Attachment A, Exhibit A). That ordinance expires at 8:00 a.m. August 20, 2014, and affected all proposed additions of floor area in the area, whereas the proposed ordinance is more narrowly focused on residential floor area only.

The temporary moratorium is necessary to address a current economic environment that strongly favors student rental housing in the University Hill business district, making it difficult for more diverse uses that could help to preserve and enhance the neighborhood's character to compete in the market place. The purpose of the BMS zoning district is for "Business areas generally anchored around a main street that are intended to serve the surrounding residential neighborhoods." The land use code states that "It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street; retail uses on the first floor [and] residential and office uses above the first floor..." § 9-5-2 (c)(2)(F), B.R.C. 1981. However, the

BMS district also allows residential uses by-right. The current economy makes residential development much more desirable from a purely economic standpoint. The proposed ordinance would "hit the pause button" to consider whether it is appropriate for stand-alone residential apartment complexes or other all-residential projects to dominate an area that is intended to be a mixed-use pedestrian-oriented commercial area.

Furthermore, the University Hill Area Plan envisions a University Hill commercial area that is "a safe, comfortable, and attractive place to shop, work, visit, and live," and its role in the community is defined in the Boulder Valley Comprehensive Plan (BVCP) both a place to "entertain the daily activities of a large portion of Boulder's population" and "a neighborhood center for the surrounding neighborhood." (2010 BVCP, p 75-76). An over-concentration of student housing in this area would run counter to this vision and could weaken the long-term economic health and vitality of the University Hill business district.

PROJECT SCOPE

Consider revising the BMS zoning district standards to implement the BVCP vision for the area and support a robust mix of uses and pedestrian-level visual interest.

Goals and Desired Outcomes:

- Zoning district standards that result in development and redevelopment consistent with the BVCP vision for the University Hill business district
- Refinement of zoning district boundaries, uses, and standards to bring them in line with the zoning district definition and BVCP vision for the area
- A clear understanding of market dynamics and property owner needs and desires
- To the extent possible, development of zoning district incentives that make implementing the Hill vision economically feasible.

RELATED PROJECTS AND PARALLEL EFFORTS

At the retreat in January 2014, the City Council adopted University Hill revitalization as one of its top priorities. The council's vision for the Hill includes the following components: business and residential diversity, the arts, multi-modal access, health and safety, stakeholder partnerships and code enforcement. The Hill Reinvestment Strategy (HRS) consolidates the past efforts and concepts into a three-pronged approach: quality of life, organizational structure and funding, and catalyst sites. A fixed-term Hill community development coordinator will be hired in early fall to coordinate the existing inter-departmental Hill staff team, strengthen stakeholder relationships and develop and implement the Hill Reinvestment Strategy work program.

<u>Quality of Life</u>

Public safety/code enforcement, beautification efforts and the pilot residential service district are elements of the quality of life work program. Public safety and code enforcement are the foundation for Hill revitalization and includes the ongoing "back to school" efforts and code enforcement including the recent bear-proof trash receptacle ordinance. The pilot "parklet" on Pennsylvania has received positive response as has the recent mural on the Fox Theatre. The City is taking a leadership role in providing start-up funding for a two and one half year pilot Residential Service District (RSD) in the high density residential neighborhood immediately

west of the commercial district beginning in September. The RSD will pick up trash and remove graffiti through the Bridge House Ready to Work crews as well as engaging volunteer resources.

As part of the City's ballot initiative this November, Community, Culture and Safety, three projects are proposed for the Hill. Pedestrian scale lighting has been long identified as an enhancement to safety in the area. A lighting project along key pedestrian routes is proposed. Within the commercial district, there are two projects proposed: street tree irrigation and replacement and the creation of a community event street along Pennsylvania – an opportunity to create a flexible public area that can be both a street for all modes and a community gathering and event area.

Catalyst Sites

This component of the HRS covers opportunity sites that could alter the character of the area and encourage a greater diversity of uses on the Hill. There are several catalyst sites that are currently surface parking lots owned by the city parking district and CU. The City is in negotiations with a private developer to redevelop the parking lot on 14th Street to provide additional parking for the district and potential residential uses including the potential for affordable housing. Staff will continue to explore other redevelopment opportunities and new tools.

Organizational Structures and Funding

Key to the long term success of the Hill will be the creation of sustainable organizational structures that can represent the diverse interests of the diverse Hill stakeholders – the City, University, businesses, the University Hill General Improvement District, property owners, students, short and long term residents and other entities such as the churches – and identify ongoing funding sources to sustain the long term vitality of the Hill. There are a myriad of options that will be considered including business improvement districts, downtown development authorities, community development corporations and media districts.

PROCESS AND SCHEDULE

In light of the accelerated timeframe, the proposed process will need to be extremely efficient and concise. We propose five project phases described below, and although we have not yet done a thorough work plan, we anticipate reaching out to stakeholders through a combination of methods, including individual contacts, open office hours, small group meetings, and some form of on-line communications. Staff recommends a seven month moratorium to allow adequate time to accomplish these tasks. A six month moratorium would end in February, which would require most of the work to be accomplished during the holiday season when meaningful community participation can be limited.

Key Stakeholders

- Affected property owners
- Hill merchants and business owners
- University of Colorado
- CU students
- University Hill neighborhood

Project Phases and Schedule

1. Project Start Up, Information Gathering, Issue Identification *Sept. and Oct. 2014*

Form interdepartmental staff team
Define scope of work & hire economic consultant
Develop a communications and outreach plan, including on-line information and feedback options
Refine project work plan
Preliminary outreach to affected property owners
Gather Information, for example:

- Analyze BMS zoning district standards, uses, and boundaries
- Analyze existing uses and square footages in the BMS district
- Analyze what can and has occurred under existing zoning-- by right & by site review; and what has worked well/ not worked well
- Gather peer city information-- are other communities facing a similar issue? How have they addressed it?

Summarize the Key Issues and Results of the Economic Analysis

2. Preliminary Options and Outreach to Stakeholders *Nov. 2014*

Develop and analyze preliminary options
Vet options with stakeholders
Check in with Planning Board and UHCAMC

3. Refine Options and Develop Staff Recommendation *Dec. 2014*

Refine options
Develop staff recommendation

4. Board and Commission Public Hearings and Recommendations *Jan. 2015*

Finalize materials for Planning Board and UHCAMC meetings
UHCAMC public hearing and recommendation (Jan. 21)
Planning Board public hearing and recommendation (Jan. 22)

5. City Council Public Hearings and Decision *Feb. and March 2015*

City Council 1st reading (Feb. 17)
City Council 2nd reading and public hearing (March 3)
City Council 3rd reading, if needed (March 17)
Ordinance expires March 18

PROPOSED ORDINANCE

The proposed ordinance would temporarily affect only redevelopment or new development projects in the BMS zoning district on the Hill that propose adding residential square footage. It would allow for new non-residential floor area, as well as changes in use within existing buildings when no additional floor area is proposed. Finally, larger projects would be allowed to go through the concept plan review and comment process under the provisions of Section 9-2-13, B.R.C., 1981. The proposed ordinance would expire on March 18, 2015.

ATTACHMENT

A: Proposed emergency ordinance

Exhibit A: Map of the affected area (the BMS zoning district in the University Hill area)

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ORDINANCE NO. 7990

AN EMERGENCY ORDINANCE TEMPORARILY SUSPENDING ACCEPTING BUILDING PERMIT AND SITE REVIEW APPLICATIONS THAT WILL RESULT IN ADDING RESIDENTIAL FLOOR AREA TO THOSE AREAS ZONED BMS THAT ARE LOCATED IN THE GENERAL AREA DESCRIBED AS THE UNIVERSITY HILL BUSINESS DISTRICT UNTIL MARCH 18, 2015 AND SETTING FORTH RELATED DETAILS

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

Section 1. The City Council finds and recites the following facts leading to the temporary suspension of accepting building permit and site review applications for additional floor area in the University Hill business district:

a. On July 29, 2014, the City Council adopted Ordinance No. 7986 that placed a temporary suspension on building permits, concept review and comment requests and site review application through August 20, 2014.

b. The University Hill business district is an activity center that serves a variety of commercial, entertainment, educational and civic functions in a concentrated area.

c. The University Hill business district also serves as a neighborhood center for the surrounding area and provides a wide range of activities drawing people from the entire City as well as the region (2010 BVCP, pages 20 to 21).

d. The City continues to explore strategies for University Hill business district revitalization, including consideration of an “innovation district” in the commercial area. (2010 BVCP, page 75).

e. The strong market for student housing may have an adverse impact on the City’s desire to see a richer mix of uses in the University Hill business district. The University Hill business district is an area that is intended to attract a wider variety of daily users. An inappropriate mix of uses may undermine its function as one of the City’s activity center nodes described in the Boulder Valley Comprehensive Plan. (2010 BVCP, pages 20, 43, and 75).

f. The City Council held a public hearing on this ordinance on August 19, 2014. After considering the information provided to date, the City Council determined that it is in the interest of the public health, safety, and welfare to consider whether existing

zoning standards will result in development consistent with the goals and policies of the Boulder Valley Comprehensive Plan and the University Hill Area Plan.

Section 2. The "University Hill business district" means those areas located in the general area west of the campus of the University of Colorado, across Broadway, zoned Business- Main Street (BMS) and generally shown in the 2010 Boulder Valley Comprehensive Plan on page 74. The specific area to which this ordinance applies is described in Exhibit A which is incorporated into this ordinance by this reference.

Section 3. The following provisions of the Boulder Revised Code, 1981 are hereby suspended as to applications after July 28, 2014 after 5:00 p.m. until March 18, 2015 at 8:00 a.m. Any application submitted between 5:00 p.m. on July 28, 2014 and the date of this ordinance shall not be deemed to have been accepted. The City Manager shall not accept any applications that will result in new or additional residential floor area in the University Hill business district:

a. Building permits under Title 10, "Structures; B.R.C. 1981; and

b. Site review requests under the provisions of Section 9-2-24, B.R.C. 1981.

Section 4. This ordinance is temporary in duration and may be replaced by subsequent legislative enactment regulating the items listed in Section 3 above, by March 18, 2015 or other matters that the City Council may find prudent. To the extent that the provisions of Section 9-1-5 "Amendments and Effect of Pending Amendments," B.R.C. 1981, apply to the adoption of this ordinance, such provisions are temporarily suspended.

Section 5. The immediate passage of this ordinance is necessary for the preservation of the public peace, health, or property. The council declares this to be an emergency measure due to the need to prevent inappropriate development, to pause to consider next steps, and to consider development of zoning regulations that implement the Boulder Valley Comprehensive Plan and other polices of the City. Therefore, this ordinance is hereby declared to be an emergency measure, and as such shall be in full force and effect upon its passage.

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

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

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

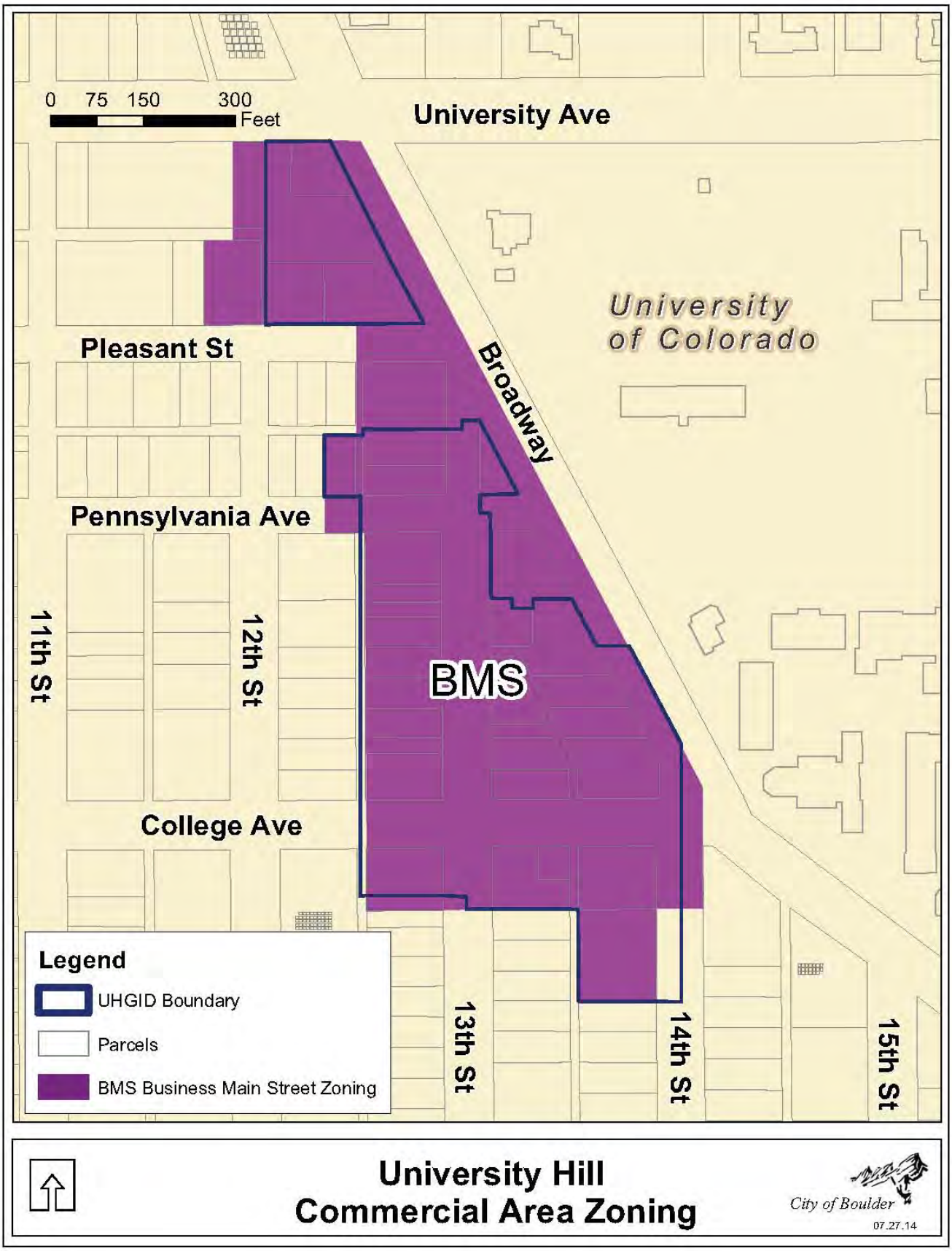
READ ON THE FIRST READING, PASSED, ADOPTED AS AN EMERGENCY MEASURE BY TWO-THIRDS COUNCILMEMBERS PRESENT, AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of August, 2014.

_____
Mayor

Attest:

_____
City Clerk

Exhibit A


0 75 150 300
Feet
University Ave
University of Colorado
Broadway
Pleasant St
Pennsylvania Ave
11th St
12th St
BMS
College Ave
13th St
14th St
15th St
Legend
UHGID Boundary
Parcels
BMS Business Main Street Zoning
University Hill
Commercial Area Zoning
City of Boulder
07.27.14

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM
MEETING DATE: August 19, 2014

AGENDA TITLE
Appointments to Boards and Commissions

PRESENTERS
Jane Brautigam, City Manager
Alisa D. Lewis, City Clerk and Director of Support Services
Alisa R. Darrow, Deputy City Clerk

SUMMARY:
Staff is requesting that Council make appointments to the City of Boulder Boards and Commissions for the 2014 special recruitment.

The following is an excerpt from council procedures, Section VII, B.R.C., 1981 outlining the process for nominating and appointing board and commission members. You may also refer to your City Council Handbook on page 21. Please note that item F below indicates that board and commission appointments are to be conducted in the same manner as described in this section.

IX. Nominations and Elections

E. Nominations. At the conclusion of public testimony, council will consider nominations for mayor and mayor pro tem. Any council member may nominate anyone that expressed an interest and made a speech at the second Tuesday in November, including himself or herself, for either position. Provided, however, that the requirement of prior expression of interest shall be waived for any council member whose election was not decided before the second Tuesday in November. Nominations for mayor and acting mayor (generally referred to as mayor pro tem) are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.

F. Order of Vote. A motion then is made and seconded to close the nominations and acted on as any motion. The voting is accomplished by raising of hands unless there is only one nomination and a unanimous vote for the candidate. The names shall be called in alphabetical order or reverse alphabetical order depending upon a flip of a coin by the clerk, who shall thereafter

alternate the order for all further election ballots during the same meeting.

G. Ballots. If it is the desire of the council to use paper ballots rather than a voice vote, such a procedure is proper. However, since there is no provision for a secret vote, each ballot must be signed by the council member casting the vote.

H. Elimination Process. If any of the candidates nominated receives five votes on the first ballot, such person is declared elected. If none of the candidates receives five votes on the first ballot, the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. If this elimination would leave one candidate or less for the office, another vote is taken, and once again the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. In the event that one candidate or less is left for the office after the second vote, a flip of a coin shall be used in order to eliminate all but two candidates for the office.

I. Impasse Process. In the event that neither of the two final candidates receives five votes on the first ballot on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives such a majority vote, the meeting shall be adjourned for a period not to exceed twenty-four hours, and new nominations and new ballots shall be taken. If no candidate receives five votes on the first ballot at the adjourned meeting on which there are only two candidates, another vote shall be taken. If no candidate receives five votes on the second such ballot, the candidate who receives the votes of a majority of the council members present shall be declared elected. If no candidate receives a majority vote on the second such ballot at the adjourned meeting, a flip of a coin shall be used to determine which of the two final candidates shall be declared elected as mayor or mayor pro tem.

J. Appointment of Board Alternates. In the event that the Boulder Revised Code provides for the appointment of temporary alternate board members, such members shall be appointed as follows: The most recently departed member of the board needing a temporary alternate, who is eligible and able to serve, shall be appointed. In the event that more than one member departed at the same time, alternates shall be chosen in reverse alphabetical order, with appointments alternating between the eligible and able former members who departed at the same time. In the event that the most recently departed member is not eligible or able to serve, the next previously departed member shall be chosen, applying the procedure above if there is more than one potential appointee. No person shall be eligible for a temporary alternate appointment if he or she was removed from the board by the council. A temporary alternate shall be appointed only when a member's absence either results in the lack of a quorum or may prevent the board from taking action. No person appointed as a temporary alternate shall serve at two consecutive meetings of the board to which he or she is appointed unless it is necessary to complete an agenda item that has been continued to another meeting.

K. Boards and Commissions. Elections to fill positions on boards or commissions shall be

conducted in the same manner. However, a majority of the council members present rather than a majority of the full council is sufficient to decide an election of this nature. Each board or commission vacancy shall be voted on separately.

L. Advertising of Vacancies After Partial Terms. Prior to advertising board and commission vacancies, when a person has already served on the board or commission and is seeking reappointment, council should make the decision of whether or not to advertise that particular vacancy.

LIST OF APPOINTMENTS REQUESTED:

Boulder Urban Renewal Authority	Appoint one new member to an unexpired term ending March 31, 2017
Human Relations Commission	Appoint one new member to an unexpired term ending March 31, 2015

MATTERS TO CONSIDER IN MAKING APPOINTMENTS

None

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TO: Members of Council
FROM: Dianne Marshall, City Clerk's Office
DATE: August 19, 2014
SUBJECT: Information Packet

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1. **CALL UPS**
   - **A.** Vacation of a utility easement that is approximately 8,363 square feet, runs east-to-west, and through the middle of 2810 29th Street and 2850 29th Street (ADR2014-00124).

2. **INFORMATION ITEMS**
   - **A.** Energy Future Transition Planning
   - **B.** Youth Opportunity Program (YOP) Funding

3. **BOARDS AND COMMISSIONS**
   - **A.** Beverages Licensing Authority – July 16,2014
   - **B.** Environmental Advisory Board – June 4, 2014
   - **C.** Environmental Advisory Board – June 25, 2014
   - **D.** Library Commission – May 7, 2014
   - **E.** Parks and Recreation Advisory Board – May 19, 2014
   - **F.** Parks and Recreation Advisory Board – June 23, 2014
   - **G.** Transportation Advisory Board – June 9, 2014
   - **H.** Transportation Advisory Board – July 14, 2014

4. **DECLARATIONS**
   - **A.** Aerial Dance Day – August 10, 2014

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Community Planning & Sustainability
Charles Ferro, Development Review Manager
Jonathan Woodward, Associate Planner

Date: August 11, 2014

Subject: **Call-Up Item:** Vacation of a utility easement that is approximately 8,363 square feet, runs east-to-west, and through the middle of 2810 29th Street and 2850 29th Street (ADR2014-00124).

EXECUTIVE SUMMARY:

The applicant, Coburn Development, Inc. requests the vacation of a utility easement at 2810 and 2850 29th Street, also known as "29th Street Residences" which is a by-right, multi-family housing project. **Attachment B** provides the Site Plan and **Attachment D** provides the vacation location. The original easement was recorded on Mar. 20, 2013 (reception number 03298420) to accommodate utilities. After the original approval, the applicant discovered physical encroachments onsite during construction. This vacation seeks to correct this easement and reposition both a fire hydrant and water meter. The applicant has re-dedicated an area for the utilities (TEC2014-00039). All requisite utility companies including Centurylink, Xcel Energy, and Comcast have approved the request.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of this utility easement. The date of final staff approval of the easement vacation was July 29, 2014 (refer to **Attachment F**, *Notice of Disposition*). The vacation will be effective 30 days later, on Aug. 28, 2014, unless the approval is called up by City Council. There is one scheduled City Council meeting during the 30 day call-up period on Aug. 19, 2014. This vacation does not require approval through ordinance based on the following criteria:

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

FISCAL IMPACTS:
None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

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

BACKGROUND:
The subject property is nearly one-acre and is located in the Business Main Street (BMS) zone district (refer to **Attachment A**, *Vicinity Map*). It is being developed as an inclusionary housing site called the 29th Street Residences by Coburn Development with Koelbel Homes and Thistle Properties. It provides off-site affordable housing for the Alexan multi-family project in Gunbarrel.

The property has a 8,363 square feet (approximately 0.192 acres) utility easement that runs east-to-west through the center of the property (refer to **Attachment B**, *Site Plan).* This easement to be vacated was originally dedicated for utility purposes in 2013. There are no public or private utilities in the easement to be vacated, and the utilities companies have signed their approval. The vacation request seeks to correct physical encroachments (a fire hydrant and water meters) on the site that the developer encountered after construction commenced for the project.

Failure to vacate the requested easement would cause hardship to the property owner, and it would interfere with the site plan and design of this future residential multi-family redevelopment for inclusionary housing. This vacation is needed to correct the utility easement. The applicant has other easements on this site that will remain and has dedicated a new easement as a technical document review correction (TEC2014-00039). **Attachment E** shows this area.

ANALYSIS:
Staff finds the proposed vacation of the utility easement consistent with the standard set forth in subsection (b) of section 8-6-10, "*Vacation of Public Easements*", B.R.C. 1981. Specifically, staff has determined that no public need exists for this utility easement.

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

✓ 1. Change is not contrary to the public interest.

✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.

✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.

✓ 4. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or

N/A 5. Would provide a greater public benefit than retaining the property in its present status.

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

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

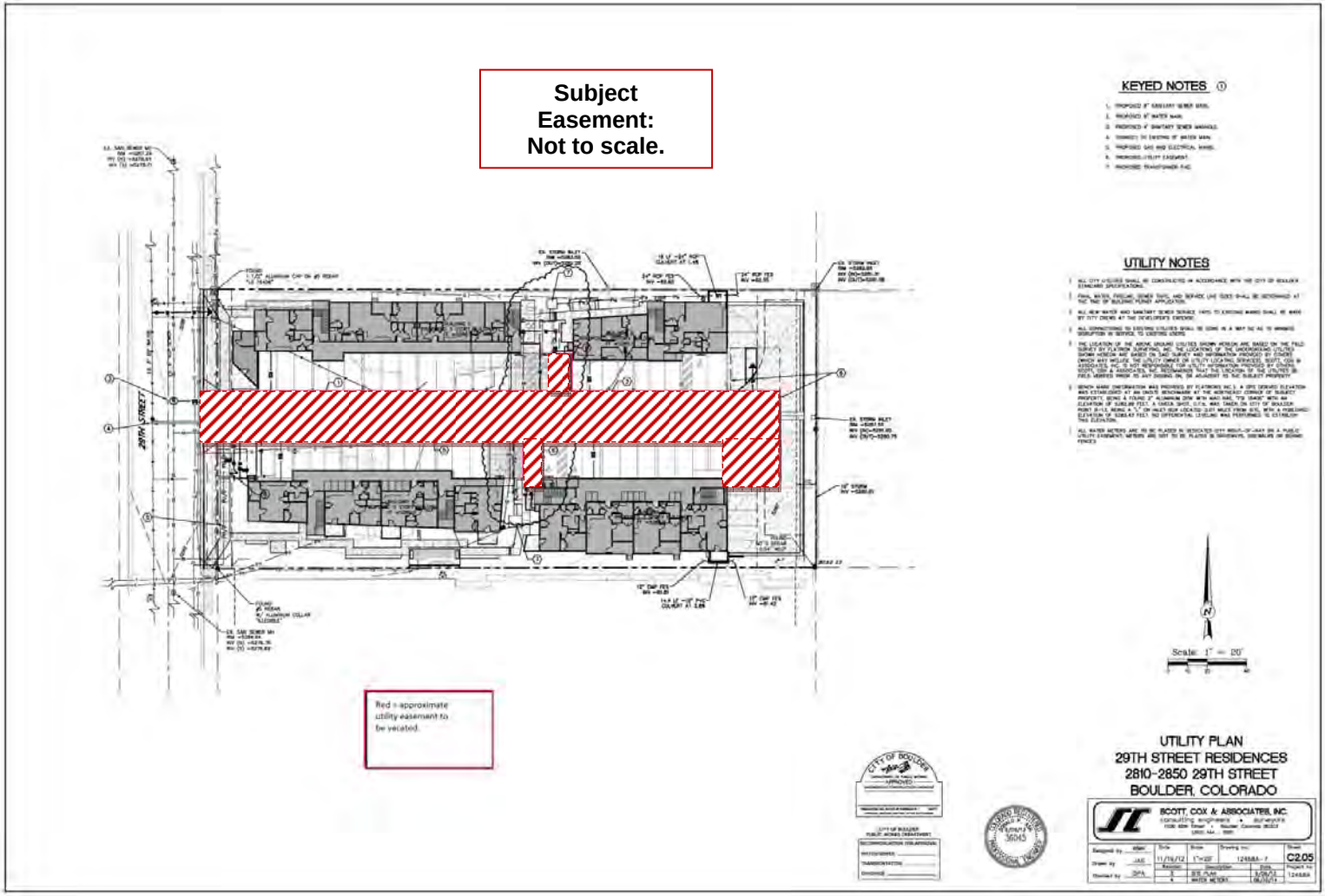
Approved By:

_____
Jane S. Brautigam,
City Manager

ATTACHMENTS:

Attachment A:	Vicinity Map
Attachment B:	Site Plan
Attachment C:	Deed of Vacation
Attachment D:	Area to be vacated - Exhibit A
Attachment E:	Area of rededication – Exhibit A
Attachment F:	Notice of Disposition

Valmont Rd
28th St
29th St
30th St
2810 and 2850 29th Street


Subject
Easement:
Not to scale.
KEYED NOTES
UTILITY NOTES
29TH STREET
Red = approximate utility easement to be vacated.
Scale: 1" = 20'
UTILITY PLAN
29TH STREET RESIDENCES
2810-2850 29TH STREET
BOULDER, COLORADO
SCOTT, COX & ASSOCIATES, INC.
C2.05

For Administrative Purposes Only
Address: 2810 & 2850 29th Street
Case No.: ADR2014-00124

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the land, in a manner prescribed by Section 8-6-10(b), B.R.C. 1981, a utility easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 03298420 on the 20th day of March 2013, located at 2810 & 2850 29th 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 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.

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)

LEGAL DESCRIPTION – UTILITY EASEMENT VACATION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY AND COUNTY OF BOULDER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE SOUTH 276.34 FEET; THENCE WEST 329.535 FEET; THENCE N89°53'50"W, 305.06'; THENCE ALONG THE EASTERLY RIGHT OF WAY OF 29TH STREET S00°03'19"E, 51.93' TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY S00°03'19"E, 25.00 FEET;
THENCE N90°00'00"E, 150.53 FEET;
THENCE S00°00'00"E, 37.40 FEET;
THENCE N90°00'00"E, 10.00 FEET;
THENCE N00°00'00"E, 37.40 FEET;
THENCE N90°00'00"E, 99.32 FEET;
THENCE S00°00'00"E, 18.39 FEET;
THENCE N90°00'00"E, 25.07 FEET;
THENCE N00°00'00"E, 43.39 FEET;
THENCE N90°00'00"W, 106.77 FEET;
THENCE N00°00'00"E, 26.62 FEET;
THENCE N90°00'00"W, 15.00 FEET;
THENCE S00°00'00"E, 26.62 FEET;
THENCE N90°00'00"W, 163.18 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.192 ACRES MORE OF LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED BY AN ALTA/ACSM LAND TITLE SURVEY DEPOSITED AS LS-12-0032 AT THE BOULDER COUNTY RECORDS, BEARING N89°53'50"W.

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
08/06/14
PROJECT NO. 12468B

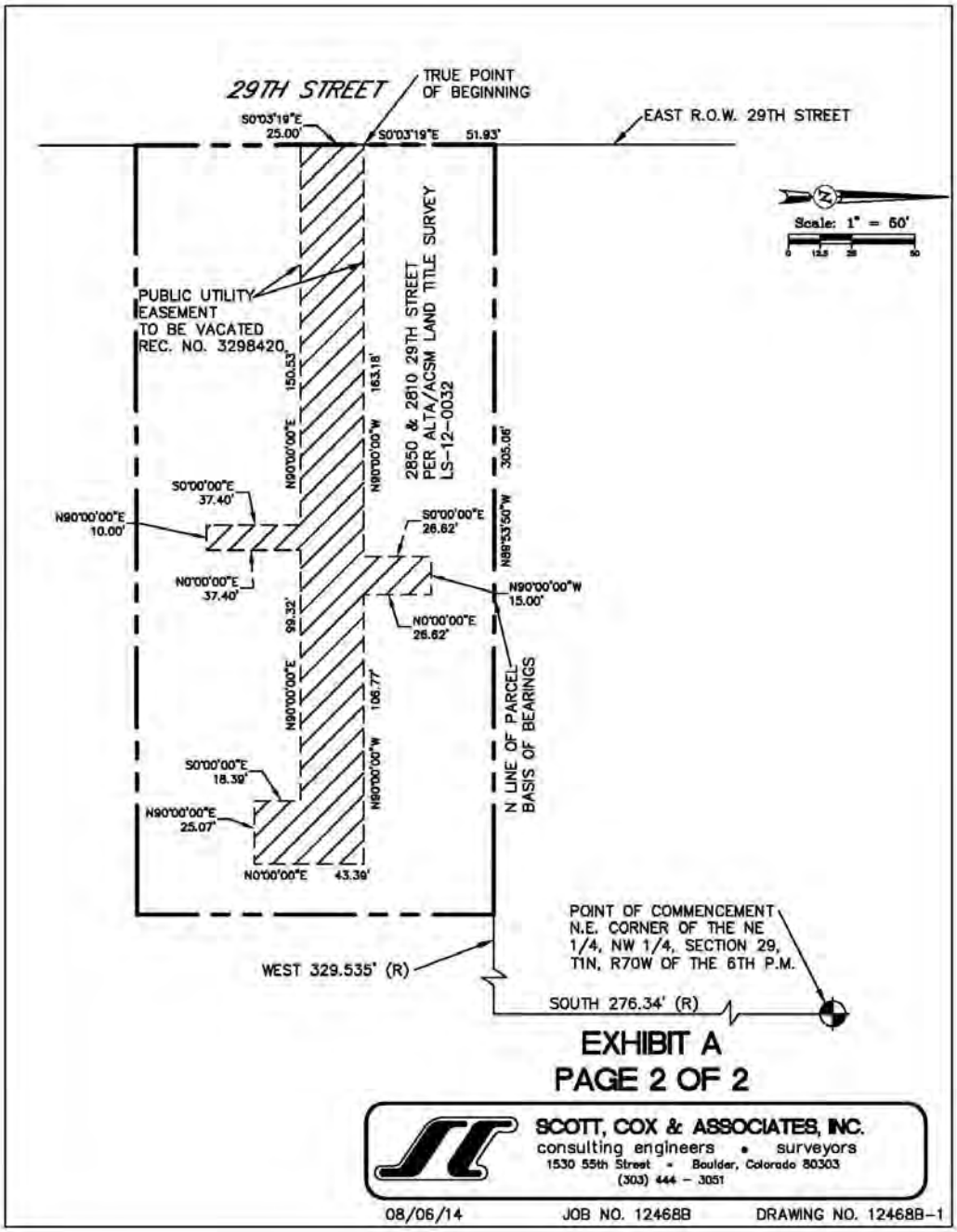

29TH STREET
TRUE POINT OF BEGINNING
EAST R.O.W. 29TH STREET
S0°03'19"E 25.00'
S0°03'19"E 51.93'
Scale: 1" = 50'
PUBLIC UTILITY EASEMENT TO BE VACATED REC. NO. 3298420
2850 & 2810 29TH STREET PER ALTA/ACSM LAND TITLE SURVEY LS-12-0032
150.53'
163.18'
N90°00'00"E
N90°00'00"W
305.06'
S0°00'00"E 37.40'
N90°00'00"E 10.00'
S0°00'00"E 26.62'
N89°53'50"W
N0°00'00"E 37.40'
N90°00'00"W 15.00'
N0°00'00"E 26.62'
99.32'
N90°00'00"E
106.77'
N90°00'00"W
S0°00'00"E 18.39'
N90°00'00"E 25.07'
N0°00'00"E 43.39'
N LINE OF PARCEL BASIS OF BEARINGS
POINT OF COMMENCEMENT N.E. CORNER OF THE NE 1/4, NW 1/4, SECTION 29, T1N, R70W OF THE 6TH P.M.
WEST 329.535' (R)
SOUTH 276.34' (R)
EXHIBIT A
PAGE 2 OF 2
SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street - Boulder, Colorado 80303
(303) 444 - 3051
08/06/14
JOB NO. 12468B
DRAWING NO. 12468B-1

EXHIBIT A

(Page 1 of 2)

LEGAL DESCRIPTION – UTILITY EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY AND COUNTY OF BOULDER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE SOUTH 276.34 FEET; THENCE WEST 329.535 FEET; THENCE N89°53'50"W, 305.06'; THENCE ALONG THE EASTERLY RIGHT OF WAY OF 29TH STREET S00°03'19"E, 51.93' TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY S00°03'19"E, 25.00 FEET;
THENCE N90°00'00"E, 150.53 FEET;
THENCE S00°00'00"E, 30.17 FEET;
THENCE N90°00'00"E, 10.00 FEET;
THENCE N00°00'00"E, 30.17 FEET;
THENCE N90°00'00"E, 125.88 FEET;
THENCE N00°00'00"E, 46.80 FEET;
THENCE N90°00'00"W, 25.00 FEET;
THENCE S00°00'00"E, 21.80 FEET;
THENCE N90°00'00"W, 87.30 FEET;
THENCE N00°00'00"E, 35.58 FEET;
THENCE N90°00'00"W, 10.00 FEET;
THENCE S00°00'00"E, 35.58 FEET;
THENCE N90°00'00"W, 164.14 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.192 ACRES MORE OF LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED BY AN ALTA/ACSM LAND TITLE SURVEY DEPOSITED AS LS-12-0032 AT THE BOULDER COUNTY RECORDS, BEARING N89°53'50"W.

A. JOHN BURI
REGISTERED
24302
LAND SURVEYOR
STATE OF COLORADO

A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
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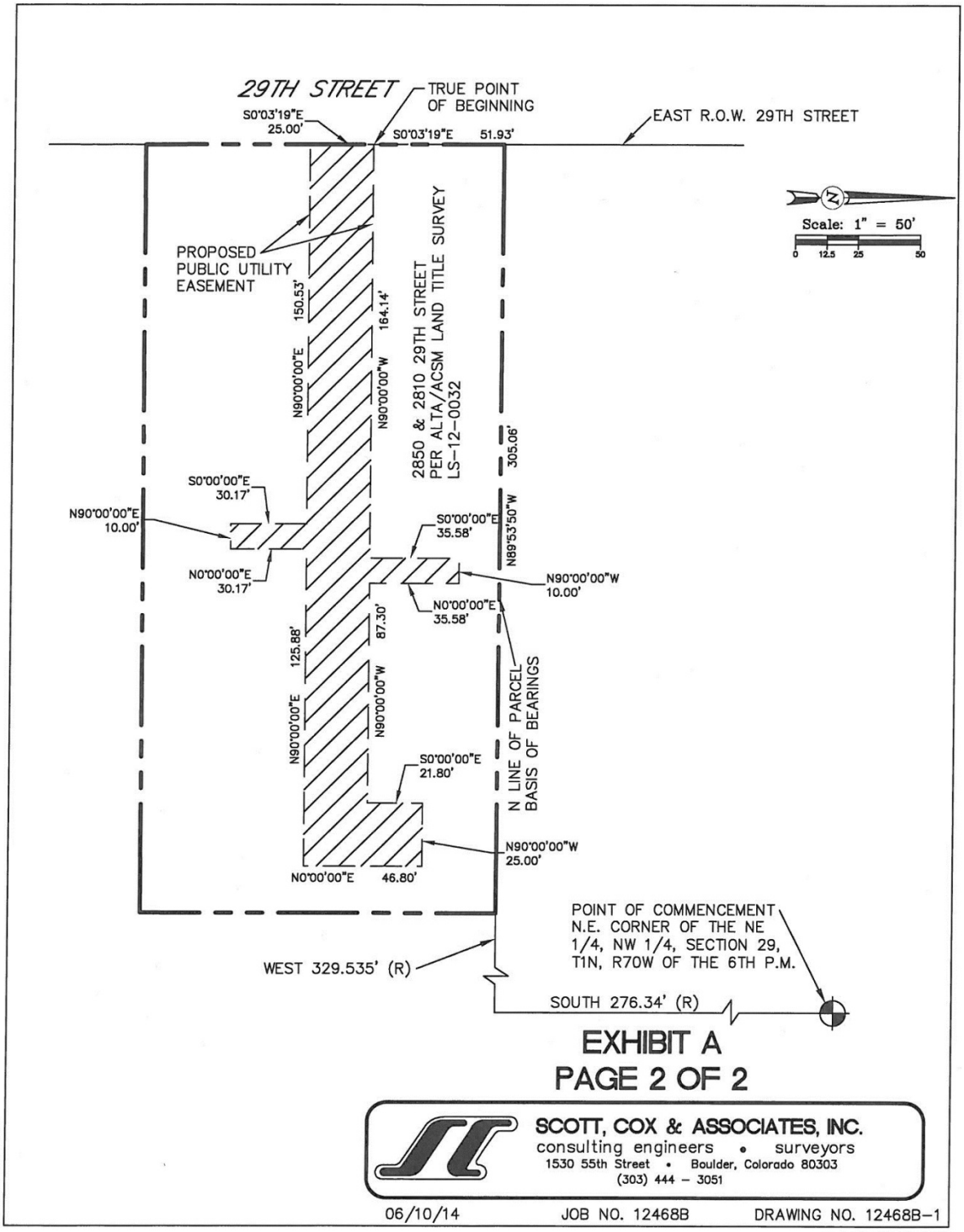
29TH STREET
TRUE POINT OF BEGINNING
S0°03'19"E 25.00'
S0°03'19"E 51.93'
EAST R.O.W. 29TH STREET
Scale: 1" = 50'
0 12.5 25 50
PROPOSED PUBLIC UTILITY EASEMENT
150.53'
164.14'
N90°00'00"E
N90°00'00"W
2850 & 2810 29TH STREET PER ALTA/ACSM LAND TITLE SURVEY LS-12-0032
305.06'
S0°00'00"E 30.17'
N90°00'00"E 10.00'
N0°00'00"E 30.17'
S0°00'00"E 35.58'
N89°53'50"W
N90°00'00"W 10.00'
N0°00'00"E 35.58'
87.30'
125.88'
N90°00'00"E
N90°00'00"W
N LINE OF PARCEL BASIS OF BEARINGS
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N0°00'00"E 46.80'
POINT OF COMMENCEMENT N.E. CORNER OF THE NE 1/4, NW 1/4, SECTION 29, T1N, R70W OF THE 6TH P.M.
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DRAWING NO. 12468B-1

CITY OF BOULDER
Community Planning and Sustainability
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department:

DECISION:	Approved
DATE:	July 29, 2014
REQUEST TYPE:	Vacation of Utility Easement
ADDRESS:	2810 and 2850 29th Street
APPLICANT:	Danielle Lynn, Coburn Development
CASE #:	ADR2014-00124
LEGAL DESCRIPTION:	See Exhibit A.
DESCRIPTION:	EASEMENT VACATION to vacate a utility easement that is approximately 0.192 acres (8,363.52 square feet) that runs east-to-west through a common lot line of 2810 and 2850 29th Street.

FINAL DECISION STANDARDS:
Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of this approximately 0.192 acre (8,363.52 square feet) utility easement, previously dedicated to the City of Boulder on March 20, 2013 and recorded as Reception No. 03298420 in the Boulder County Records.

INFORMATIONAL COMMENTS:
Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This utility easement was dedicated on March 20, 2013 (Reception No. 03298420). The utilities companies have consented to sign off on the request.

This decision is final and may not be appealed. A new request may be considered only as a new application.

Approved By: _____
Jonathan Woodward, Planning Department

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Tom Carr, City Attorney
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Energy Future Executive and Project Teams

Date: Aug. 19, 2014

Subject: **Information Item:** Energy Future Transition Work Plan

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EXECUTIVE SUMMARY

A transition work plan ("Plan") has been developed that will guide the change from an Xcel-run system to a city-operated local electric utility, should the City acquire the utility as defined in the condemnation petition filed in Boulder District Court. PowerServices, Inc. was hired to create the Plan and identify the various tasks, interrelationships and schedule for transition work activities. The step-by-step work plan addresses multiple components such as power supply acquisition, system operations and maintenance, software development and integration, customer interface, and financing. The Plan includes recommendations for staffing and outsourcing, along with estimates of key costs to implement. The Interconnection Plan developed by Exponential Engineering Company has been integrated with the overall Plan.

The Plan will serve as a working tool for the city that will continue to be updated on a regular basis as legal issues are addressed, tasks are refined, and work is completed. It is designed to manage the risks of acquisition while prioritizing the fundamentals of an electric utility: safety and reliability. For a more complete description of the transition work planning, please refer to the Report of Transition Planning for New Electric Utility by PowerServices, Inc. presented as **Attachment A**. Accompanying the report is the Transition Work Plan Schedule Overview presented as **Attachment B**.

FISCAL IMPACT

The transition work plan activities will require additional resources that will be identified as part of the 2015 budget process. Although critical activities have already been initiated, work must be accelerated through the 2015 to 2016 time period and will require additional resource allocations. Initial information regarding these resources will be presented as part of the Sept. 9 budget study session.

BACKGROUND
Earlier this year, the city adopted an ordinance creating a municipal electric utility and filed a condemnation petition in Boulder District Court seeking to acquire portions of the electric system owned by Xcel Energy. Although dependent on the District Court schedule, this action starts the countdown to startup of a city-owned electric utility. In anticipation of these steps, city staff initiated the development of a transition work plan ("Plan") in early 2014. PowerServices, Inc. was hired to create the Plan and an update was provided to City Council on May 13, 2014. For a more complete description of the transition work planning, please refer to the Report of Transition Planning for New Electric Utility by Power Services, Inc. presented as **Attachment A**. The Plan will serve as a working tool to be updated during the acquisition process.

ANALYSIS
The Plan will guide the change from an Xcel-run system to a city-operated local electric utility. It identifies the steps, or tasks, required for the City to secure power supply, operate and maintain equipment used to deliver electricity to retail customers, and implement support services, interrelationships and schedule for the transition work activities. The plan accounts for the city's key objectives including:

1. Providing safe & reliable system operations
2. Securing cost effective & reliable wholesale power
3. Minimizing customer impacts
4. Managing costs, especially during transition
5. Expanding the power supply renewable portfolio

Two critical dates are defined as follows:

- Day 1 – the date on which the city takes ownership of the electric system and begins customer billing (approximately third quarter 2016)
- Day 2 – completion of interconnection construction (approximately third quarter 2018)

The plan also identifies and evaluates two scenarios:

- Scenario A - contemplates coordination with Xcel Energy to provide wholesale power and services at acquisition (Day 1) until interconnection construction is completed.
- Scenario B considers a situation where Boulder will take over all aspects of utility operations immediately upon acquisition and prior to completion of interconnection construction.

The steps to form a utility are nearly identical in both Scenarios A and B, with the major difference being that Scenario B accelerates implementation to prepare the city for full operation on Day 1. The Transition Work Plan Schedule Overview based on Scenario B is presented as **Attachment B**.

The Plan is built around the basic functions necessary to operate an electric utility. Each function contains a series of steps that the city must implement to ensure that appropriate staffing, workspace, skill sets, equipment and materials, and processes are in place by key target dates. The eight functional areas are:

1. Construction, Operations & Maintenance
2. Customer Service
3. Energy Services
4. Finance & Accounting
5. Planning & Engineering
6. Power Supply & Delivery

7. Legal/Regulatory
8. Support Services

In addition, the Interconnection Plan developed by Exponential Engineering Company has been integrated with the overall Transition Work Plan.

The most significant prerequisite for transition is flexibility in the sequencing and scheduling of activities. The path towards electric municipalization is not one-dimensional. Uncertainties are amplified if the owner of the system to be acquired does not cooperate and acts as an impediment to the acquisition process. This Plan recognizes Boulder's endeavors to create the "Utility of the Future," but the city must first manage the risks of acquisition while prioritizing the fundamentals of an electric utility: safety and reliability. The Plan anticipates building on this groundwork to accomplish the community's goals of increasing electric services and renewable energy resources in a cost effective manner.

Staff plans to have a public outreach process and establish new working groups to assist in the implementation phase. It is anticipated the working groups will be organized during the third and fourth quarters of 2014.

NEXT STEPS
City staff has already begun implementing critical transition work activities, including integrating and leveraging existing city resources, and will continue these activities as guided by the transition work plan. Staff will identify the resources needed to implement the entire transition work plan as part of the 2015 budget process. Initial information regarding these resources will be presented as part of the Sept. 9 budget study session.

Staff also plans to have a public outreach process and establish new working groups to assist in the implementation phase. It is anticipated the working groups will be organized during the third and fourth quarters of 2014.

ATTACHMENTS:
A: Report of Transition Planning for New Electric Utility, Power Services, Inc.
B: Transition Work Plan Schedule Overview

City of Boulder, Colorado

Report of Transition Planning for New Electric Utility

PROVIDED BY:

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August 12, 2014

CITY OF BOULDER, COLORADO

REPORT OF

TRANSITION PLANNING
FOR NEW ELECTRIC UTILITY

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APPENDICES

Appendix 1 Exponential Engineering Company Interconnection Plan

CITY OF BOULDER, COLORADO

REPORT OF

TRANSITION PLANNING FOR NEW ELECTRIC UTILITY

1. Introduction and Background

The City of Boulder, Colorado ("City") engaged PowerServices, Inc. ("PowerServices") on January 27, 2014 to assist in the development of a Transition Work Plan ("Plan") for a new electric utility, in a manner consistent with the November 27, 2013 Request for Proposals ("RFP No. 68-2013"). The objective of the Plan is to position the City to safely, reliably, and cost-effectively operate the electrical system in Boulder's proposed acquisition area. The Plan is a functional roadmap consisting of multiple tasks necessary to seamlessly integrate the electric utility within an expanded City organization and interface with customers that the utility would serve. It is a dynamic document influenced by the outcome of legal and regulatory proceedings anticipated to occur during the acquisition process.

PowerServices' work commenced with a kick-off meeting with the Boulder Energy Future team and staff members on February 3, 2014. Regularly scheduled conference calls, data requests, and iterations of draft plans in Microsoft Project followed. The Plan's critical dates and assumptions were evaluated in detail, and it was determined that the path toward electric municipalization must not only account for optimal outcomes, but also include alternatives to prepare for uncertainties. The most effective outcome would be a gradual transition of energy supply and operations from the incumbent utility to the City. However, the City also has to plan for the contingency that it would be unable to coordinate efforts with the incumbent utility.

PowerServices developed the Plan consisting of two scenarios to account for uncertainties that may arise in the acquisition process. PowerServices presented an overview of the scenarios to Boulder's City Council on May 13, 2014. The Plan is a dynamic work in progress that continues to be updated as information is clarified, options are refined, uncertainties are eliminated, and dates are adjusted. It is intended to serve as a tool for the City to document and track transition activities over several years.

2. Executive Summary

The City of Boulder's formation of a municipal electric utility is a complex process highly influenced by acquisition legal and regulatory proceedings. To manage multiple uncertainties and create a path forward, the City requires a Plan that outlines the steps necessary to seamlessly integrate an electric utility while meeting key objectives, including:

- Providing safe & reliable system operations
- Securing cost effective & reliable wholesale power

- Minimizing customer impacts
- Managing costs, particularly during transition
- Expanding the power supply renewable portfolio

The Plan is comprised of two scenarios. The first, or Scenario A, contemplates coordination with Xcel Energy to provide wholesale power and services at acquisition ("Day 1") until interconnection construction is completed ("Day 2"). This will maintain stable power supply and system operations during a gradual transition period lasting approximately two years after acquisition. The alternate Scenario B considers a situation where Boulder will take over all aspects of utility operations immediately upon acquisition (Day 1) and prior to completion of interconnection construction. Under this scenario, any contracts for power supply and services, which will have to be secured from third-party providers prior to the City having the verdict on the cost of electric facilities from the court, will need to include termination options if the City decides not to pursue formation of a utility.

The Plan is built around the basic functions necessary to operate an electric utility. Each function contains a series of steps that the City must implement to ensure that appropriate staffing, workspace, skill sets, equipment and materials, and processes are in place by key target dates. The Plan identifies numerous requirements, such as systems, standards, policies, agreements, customer programs, budgets, and contracting needs. Every component is assigned a timeframe for completion so the City can successfully launch operations over a range of dates in either scenario. The steps to form a utility are nearly identical in both Scenarios A and B, with the major difference being that Scenario B accelerates implementation to prepare the City for full operation on Day 1.

The Plan is a work in progress and developed using Microsoft Project software for effective linkage of the tasks and ease of tracking changes and adjustments throughout the process. It is segmented by major functions, and comprises a multitude of interrelated tasks required to meet Day 1 and Day 2 requirements. It is anticipated the Plan will be updated on a regular basis to account for completed work as well as newly identified developments, tasks and requirements.

The most significant prerequisite for transition is flexibility in the sequencing and scheduling of activities. The path toward electric municipalization is not one-dimensional. Uncertainties are amplified if the owner of the system to be acquired does not cooperate and acts as an impediment to the acquisition process. This Plan recognizes Boulder's endeavors to create the "Utility of the Future," but the City must first manage the risks of acquisition while prioritizing the fundamentals of an electric utility: safety and reliability.

3. Transition Plan Development

A. System Characteristics & Interconnection Plan

The first step in developing a transition plan is identifying the size, extent and characteristics of the portion of the electric system that will be owned and operated by Boulder. No severing or rerouting of existing lines is required. The separation of Boulder's system for operational purposes is accomplished through the installation of equipment on existing lines at strategic interconnected locations to allow metering of the energy flowing in and out of the system owned and operated by Boulder as well as mutual support in the case of a problem with the interconnected Xcel Energy and Boulder owned circuits. The anticipated locations of those interconnections, and how the existing equipment at substations will be utilized to serve Boulder and Xcel service areas are described in the February 26, 2013, and July 24, 2013 materials presented to City Council, and in the affidavit of Thomas A. Ghidossi, P.E. of Exponential Engineering Company prepared on August 15, 2013 for presentation to the Public Utilities Commission staff ("Interconnection Plan"). This affidavit is included as Appendix 1. The Interconnection Plan comprises the engineering and construction to install meters and protective devices at multiple locations, or delivery points, where power would exchange between the City and Xcel. The Interconnection Plan necessitates agreements governing the delivery points that create a clear demarcation for ownership, operation, and power supply responsibilities. Once implemented, the high voltage lines, substations or portions of substations, and distribution network acquired by the City establish Boulder's proposed electric system. The City system characteristics are shown below in Chart 1.

City of Boulder-Electric Utility General System Characteristics		
Acquisition Area Population	111,000	
Acquisition Area Employment	96,800	
Total Acquisition Area	44.4 square miles	
Residential Customers	56,000	approximate
Commercial Customers	6,800	approximate
Industrial Customers	20	approximate
Distribution System Voltage	13.2 kV	
Number of Substations	6	
Number of Transformers (115 kV to 13.2 kV)	10	
Number of Transformers (230 kV to 13.2 kV)	2	
Transmission System Voltage	115 kV	
Transmission Circuit Miles	29	
Total Number of Substations fed by Transmission System	9	
Distribution Circuit Miles	569	
Distribution Circuit % Overhead	38%	
Distribution Circuit % Underground	62%	
Overhead Transformers	2,600	approximate
Underground (Padmounted) Transformers	1,200	approximate
SAIDI goal	85 minutes	
SAIFI goal	<85	

Chart 1 – City of Boulder- Electric Utility General System Characteristics

The plan for separation of the system Boulder will operate has been called an "Interconnection Plan" because of the unique nature of the electrical system serving Boulder. Terms such as "separation," "reintegration," "reconnection," or "sever" imply physical separation. However here, both the City's and Xcel's electric grids remain interconnected to facilitate the flow of electricity. Where the two systems are connected, additional equipment for metering, monitoring, protection and control must be installed. This creates points of delivery for Boulder to receive wholesale power and to serve its future retail customers while remaining integrated with Xcel's system from a functional and operational perspective. The delivery points also measure power flow at locations where, as necessary, another utility may utilize the City's electric system to transmit power. The Interconnection Plan system modifications are one-time physical and technical changes to be performed in close coordination with Xcel, and according to FERC-approved standards, and will commence after Boulder acquires the system.

B. Functional Organizational Chart

Once system characteristics were derived, PowerServices utilized in-depth knowledge of electric utilities, including municipal, operations to form the basis of the Transition Plan: a sample functional organization that operates an electric utility with system attributes and customer accounts similar to those proposed by the City (Chart 2). The functional organization drives staffing requirements and processes necessary for the City to obtain wholesale power supply (the product), deliver power to the customer (distribution services), read meters and bill the customer (collect revenue), and provide all accompanying services, including, but not limited to, operation, maintenance, and system upgrades and expansion.

Boulder Electric Utility

Sample Functional Organizational Chart

Director - Electric Utility							
Management Level -to be designated							
Construction, Operations & Maintenance	**Customer Service**	**Energy Services**	**Planning & Engineering**	**Power Supply & Delivery**	**Legal/ Regulatory**	**Support Services**	**Finance & Accounting**
Substation, Transmission & Distribution	Billing	End use programs (EE, DSM, Renewables)	System Planning & Design	Portfolio Planning and Optimization (load forecast)	NERC, FERC, Environmental compliance	Human Resources	Rates & Revenue Requirements
Vegetation Management	Call center	Marketing & Communications	Engineering Design & Specification (Substation, Transmission & Distribution)	Resource acquisition (Power Purchase Agreements) and contract administration	Permitting	Information Technology & Telecommunications	Accounting
Materials Management	Commercial, Industrial & Governmental account management (Key Accounts)		Metering Specifications	Transmission Agreement administration	Real Estate/ROW/ Easements	Facilities Management	Purchasing
Emergency Response				Generation ownership	Joint Use Agreements	Fleet Management	Budget & Financial Modeling
Dispatch						Safety & Environmental	

note: some functions may utilize shared or contracted resources

Chart 2 – Sample Functional Organizational Chart

The Plan follows the sample organizational structure, which is segmented into eight functional areas that include transitional as well as ongoing requirements for electric utility operations:

1. Construction, Operations & Maintenance
2. Customer Service
3. Energy Services
4. Finance & Accounting
5. Planning & Engineering
6. Power Supply & Delivery
7. Legal/Regulatory
8. Support Services

For each function, the Plan identifies critical components, including but not limited to:

- Recommended Staffing with functional titles
- Workspace & Facilities
- Policies, Procedures & Standards
- System Studies & Plans

- Contracts & Agreements
- Legal & Regulatory Filings
- Equipment & Tools
- Systems Development & Integration

For each component, the Plan identifies elements that must be in place in order to meet the City's objective for a seamless transition. The elements are defined as tasks in Microsoft Project and assigned a start date, end date, and task duration in order to meet the desired implementation date. Precedent tasks, or activities that must occur before another task may start, are also identified. The precedent tasks may be within the same function or part of an alternate function. The Plan also links to major engineering and construction steps for separation and integration.

C. Critical Milestones

The major influence on the Plan is the timing of critical milestones. These reflect dates of legal and regulatory proceedings, financing requirements, the City's acquisition of assets, and the completion of construction at points of connection with Xcel's electric grid (Interconnection Plan). Based on available information and with guidance from Boulder staff, PowerServices applied definitions and durations to the milestones as shown below in Chart 3.

Critical Milestone	Anticipated Date or Timeline*	Description
Condemnation	June 2014 – July 2016	The period of time starting with the filing of condemnation and ending with trial completion, estimated at approximately 24 months.
Regulatory	October 2014 – July 2016	The period of time encompassing regulatory activities or filings; estimated at approximately 18 months.
Financing	January 2016 – August 2016	The time period required for permanent financing; estimated at 8 months and ending with bond issuance 60 days after completion of the condemnation trial.
Day 1	September 1, 2016	The date that Boulder funds the local electric system and takes ownership of assets, or 60 days after completion of the condemnation trial.
Day 2	August 9, 2018	The date that separation and reintegration is complete at wholesale delivery points and Boulder assumes full operation, or approximately 24 months after Day 1.
**Dates and durations are estimates and subject to change based on legal and regulatory proceedings*		

Chart 3 – Boulder Microsoft Project Schedule of Anticipated Milestones

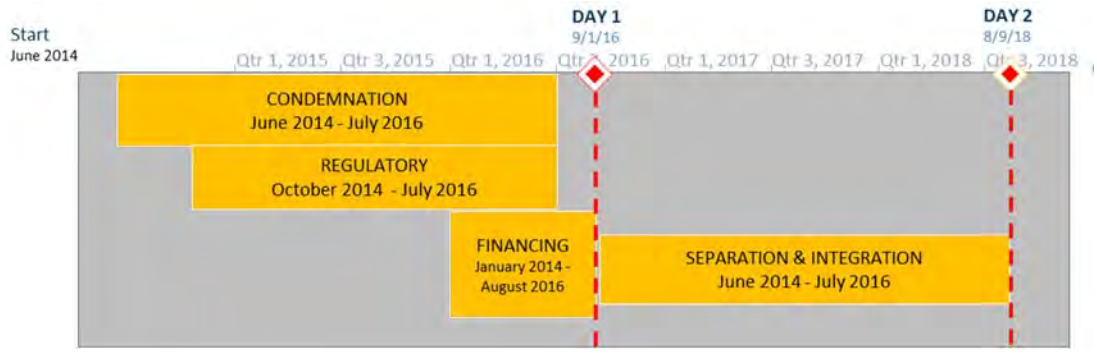


Chart 3 (Continued) – Boulder Microsoft Project Schedule of Anticipated Milestones

The milestones set targets for tasks to be substantially complete or fully implemented. *It must be emphasized that the dates and duration of critical activities are estimated. These dates will change as the legal and regulatory process proceeds.* As such, the Plan is designed in a way that any tasks benchmarked to a critical milestone will be rescheduled should the target date change. Microsoft Project functionality provides notices if the resulting change creates scheduling conflicts with associated tasks, and the City can use this information to address alternate courses of action.

D. Scenario Analysis & Comparison

Once the critical milestones were defined, PowerServices next analyzed the major functions that the City must prepare to implement on either Day 1 or Day 2 under each scenario. Specifically, the Plan prioritized needs related to two key areas: securing wholesale power supply and operating the electric system. Power supply includes contracting for firm generation resources that are transmitted to delivery points on the Boulder system. The City will need adequate time to assess load needs and generation options to procure power from reliable sources. Wholesale power supply is estimated to comprise the majority of the City's annual electric utility operating budget. Additionally, the City must have staff and resources to operate and maintain the electric system to safely and reliably deliver the power from the delivery points to the customers. This will include line crews, equipment, materials, and systems for planned and emergency work at multiple substations and over 550 circuit miles of line. System operations are logistically complex and resource intensive.

The evaluation yielded two scenarios to "bookend" the transition plan. The first, or Scenario A, is a coordinated transition on Day 1, which assumes that the incumbent utility (Xcel Energy) will continue to provide wholesale power supply and system operations under contract with the City until Day 2, when interconnection construction is completed. An alternative plan, or Scenario B, is designed such that Boulder has contracts and resources in place for power supply and system operations on Day 1, assuming that Xcel Energy is either unwilling to participate in transition activities or offers services that are uneconomical and ineffective compared to other alternatives. Scenario B must be able to adapt to a greater number of uncertainties and risks than Scenario A, most of which are driven by the timing and outcome of legal and regulatory proceedings. Under both scenarios, the City will be in a position to take ownership of assets and begin billing customers for energy usage on Day 1 under the newly formed

Boulder electric utility. The City would set retail rates and provide the required customer related services.

A summary of the party expected to provide major responsibilities on Day 1 under each scenario is provided in Chart 4.

Transition Plan DAY 1 Responsibility	Provide Wholesale Power	Perform system construction, operations and maintenance	Provide Outage Management and Emergency Response	Read Meters	Set retail rates and bill customer	Call center and Customer Services
Scenario A	Xcel	Xcel	Xcel in coordination with Boulder for customer communication	Xcel	Boulder	Boulder in coordination with Xcel for construction or operations
Scenario B	Third Party (other than Xcel)	Boulder	Boulder	Boulder	Boulder	Boulder

Chart 4 – Boulder Division of Day 1 Responsibilities

In Scenario A, the City's distribution, substation, and transmission assets would not be separated from Xcel Energy on Day 1 from a metering, monitoring, protection and control (operational) perspective. The City would continue to receive power supply, system and emergency operations, and meter reading services from Xcel under bi-lateral agreements. The agreements would need to accommodate non-traditional metering and billing arrangements for power supply and allow a phased construction period to implement the Interconnection Plan. Upon completion of the interconnection construction on Day 2, Boulder would take over all operational aspects of the system and receive power supply from either Xcel or an alternate source.

Scenario A should provide seamless customer interface, since system operations would be transferred in an orderly fashion between Boulder and Xcel. This plan prioritizes safety and reliability, minimizes economic impacts prior to Day 1, and provides Boulder with firm power supply options until full separation is complete. Scenario A will rely on effective coordination with Xcel to provide Boulder with adequate information for customer interface on Day 1 and during the structured transition of system operations. Investments and commitments for systems, studies, facilities and personnel will be limited to those needed for pre-acquisition tasks, with the remaining expenses occurring after the decision to acquire assets. Scenario A considers risks and costs expected from an acquisition process when two parties coordinate transition and the outcomes of legal and regulatory proceedings support transition activities.

In Scenario B, the City must be in a position to not only take ownership of assets on Day 1 and begin billing customers, but also to receive power supply from a third party (likely other than Xcel), operate the system, and read meters. The City would control retail rates and provide all customer related services. In short, Boulder would be prepared to own and operate the new electric utility in all respects on Day 1. All of this will need to occur under the assumption that Boulder will not be able to make system modifications prior to owning the system. Thus, just as in Scenario A, the construction anticipated in the Interconnection Plan would not be completed on Day 1.

Scenario B requires that the City complete most transition tasks prior to Day 1 in order to prepare for operations. The City will need to seek contract services for major functions in such a way that contractors will be ready to deploy on Day 1. Wholesale power supply will need to be secured and power delivery arranged with Xcel in a manner that will accommodate all necessary metering arrangements. All systems will need to be in place to manage power supply, construction, operations and maintenance, outages and emergencies, meter data, customer interface, and support functions.

Scenario B is designed to achieve the level of safety and reliability expected in Scenario A, but does not depend on Xcel's participation in facilitating the transition. However, receipt of timely and complete information from Xcel will be vital for Boulder to safely operate the system, receive firm power supply, and minimize customer disruptions. The Plan identifies the data required and proposes operational agreements to be executed. Scenario B will require the City's investment and commitment for systems, studies, facilities and personnel prior to the valuation trial. It incorporates options to minimize expenditures prior to Day 1 and will prepare the City to take over system operations in a condensed timeframe while managing multiple timeline uncertainties. Scenario B considers the higher risks and costs that result from an acquisition process when one party is unwilling to coordinate transition activities. The transition steps and timeline are compelled by legal and regulatory outcomes, rather than cooperative efforts between the parties.

The majority of tasks or steps to form a utility are the same in both scenarios, but the implementation date and amount of time provided to complete the task may be significantly different depending on cooperation between the parties. Scenario B must meet a more aggressive timeline that requires commitments for major components prior to the valuation trial. The likely scenario will not be either Scenario A or B, but will be some combination of both based on regulatory and legal proceedings. The Plan is dynamic and will demand continued oversight and adjustments to ensure that schedules remain realistic and are accomplished.

4. Functions

A. Construction, Operations & Maintenance

Construction, Operations and Maintenance ("COM") consists of resources and activities necessary to operate and maintain the transmission and distribution system. COM includes overhead and underground line crews that perform routine or planned work, such as new construction or maintenance and emergency work. This department also includes system monitoring and dispatchers, meter readers and technicians, warehousing functions, and vegetation management. Both Transition Plan scenarios prioritize tasks that enable crews to be up and running on the date that Boulder must operate the system, with the objective to "keep the lights on" while enhancing reliability. Overall, it is estimated that approximately 70% of proposed department positions reside in COM.

Electric utility construction, operations and maintenance require some skill sets not currently available within the City's organization. Reliable operations depend on comprehensive knowledge of electric systems and applicable safety and environmental codes and practices. PowerServices recommends that initially the City leverage experienced contract crews for the majority of COM positions rather than build these skill sets internally. Depending on the long-term cost effectiveness of this approach, the City may eventually decide to hire internal staff to implement some or all the required functions. This outsourcing scheme has been successfully implemented by large investor-owned utilities, electric cooperatives, and electric municipal utilities. This is particularly important due to the condensed timeframe for staffing should the City take over system operations on Day 1 in Scenario B. Under this scenario, it is recommended that the City issue Requests for Information and Requests for Proposals for contract crews in 2015 in order to refine budgets and execute retainers in 2016. The crews would begin permanent work upon the City's purchase of assets in the third quarter of 2016. Under Scenario A, Boulder will contract with Xcel to provide system operations between Day 1 and Day 2. Subsequently, the City can evaluate alternative contractors in preparation for taking over the system on Day 2, or may choose to extend contracts for Xcel services.

The Plan also outlines those positions that are Boulder staff rather than contractors, including a Construction Operations Manager. The operations manager brings a necessary skill set to the Boulder team in order to assist with Xcel operational data exchange, perform a system needs assessment, provide oversight of contractor selection and agreements, and oversee the contractor on-boarding process.

Boulder must also prepare adequate workspace for crews consisting of workshops, warehousing, storage/laydown yards, and shelters for equipment and fleet needs. A separate communications center is needed for 24-hour monitoring, control, dispatch and emergency response. The Plan assumes a process to identify and secure locations for crews and dispatch functions, which require commitments in advance of the decision to acquire in Scenario B. Primarily to ensure a smooth transition for customers, both Scenario A and B rely on timely information and coordination with Xcel for customer meter data access, outage management, and emergency response. Transition of these functions depends on knowledge of, and access to, Xcel's data or monitoring systems.

There are multiple operating procedures, standards and policies that must be in place prior to any crews working on the system. The majority of these are produced through the planning and engineering function that controls system design criteria, which is further augmented with maintenance procedures. Boulder may use or amend standards and procedures made available by Xcel, or adopt alternatives. In either case, the Plan provides tasks and timelines for Boulder to assess and implement appropriate procedures prior to contract crew deployment and system operations.

B. Customer Service

The Customer Service function encompasses billing and collections, call center representatives, and account management. The City's goal in both Scenarios A and B is to have the ability to bill customers and provide related services on Day 1 upon acquisition of assets. Therefore, the Plan tasks prioritize receipt of customer account information from Xcel,

implementation of a Customer Information System ("CIS"), and continuity in the administration of current and future end-use programs. Staffing consists of a Customer Service Manager with additional support positions for various functions. The Plan recommends hiring the Manager well in advance of Day 1 to oversee multiple and complex activities. Remaining hires are staged at later dates. It is anticipated that Boulder may utilize or expand existing water and sanitary sewer utility services for electric billing and collections, while the call center function may be outsourced.

A critical transitional task is CIS implementation. The City has the option to expand a current software system (Advanced Utility Systems CIS Infinity®) or develop a new system that is capable of handling the estimated 60,000+ customer accounts. However, it is imperative that the City receive accurate and complete account information from Xcel in a timely manner in order to meet the Day 1 milestone. Account information includes, but is not limited to, customer name, address, account number, GIS location, special medical needs, current rate, meter specifications, multipliers, meter read cycle, participation in customer programs and rebates, installed generation, and billing history. The Plan anticipates significant lead time will be needed to implement a CIS system, and at the point that it goes "live," Boulder must be prepared to read meters or import meter data, bill customers, and respond to general inquiries or requests for service. Customer account transition demands heavy coordination with Xcel to minimize service disruptions and to ensure that customers clearly understand when and how to contact the City rather than Xcel.

A cross-functional input critical to CIS implementation is retail rate design. On Day 1, Boulder anticipates applying retail rates under which customers will be billed. The rates may or may not reflect Xcel's current retail rate structures. Integral to rate design are budget information (driven by load forecasts, end-use programs and power supply costs), customer classifications, public processes and City Council action. Thus, there are multiple precedents that must be accomplished before the CIS system can be completed. The Plan identifies and sequences these requirements over a time period to meet Day 1 objectives.

C. Energy Services

An additional customer related function is Energy Services, which includes end-use program development, branding, marketing and communications. This section will not only be important in facilitating and communicating changes that directly affect customers during the transitional period, it will also drive local initiatives to meet the City's aggressive goals to reduce greenhouse gas emissions and evolve into the "Utility of the Future." Work will be led by an Energy Services Manager with additional support staff. Due to the City's extraordinary public engagement efforts in this area, positions associated with communications and marketing will initially be designated under Energy Services, although they will provide cross-functional support. Ultimately, Energy Services is expected to grow as the number of customer programs, such as energy efficiency, demand side management, and distributed (customer owned) renewables, increases over time.

The primary objective during transition in both Scenarios A and B will be evaluating existing Xcel programs that need support on Day 1. The Energy Services group must ensure that

programs requiring continued incentives or administration are identified and integrated into the new electric utility operation. Concurrently, this section will prepare for new offerings. This will involve research in the viability of innovative programs and pilots to include incentive amounts, customer adoption rate, contribution to carbon goals, cost-benefit analysis, and impacts on grid operations and power supply. The Energy Services group will work closely with Resource Planning, Finance, and Engineering to ensure that programs complement power supply requirements while meeting budget targets and technical standards for grid operations. Most importantly, Energy Services must coordinate with Customer Service such that the departments are unified in the communication, implementation and administration of programs, including measurement and verification of local impacts.

A key to successful program development will be thorough assessment across the organization, which will occur in multiple stages. Ample time must be provided to sufficiently evaluate, communicate, and implement end-use programs considering the importance to the City's customers and long-term effects on the system. The Plan provides a schedule to integrate Xcel offerings and launch new programs on Day 1. However, the requirements of ramping up for electric utility operations may demand resources that would otherwise be devoted to new customer programming. In order to not impact the success of the City's formation of an electric utility, new programs may be developed subsequent to Day 1.

D. Finance & Accounting

The majority of finance and accounting functions for the electric utility are similar to those in Boulder's current organization and will require incremental staff additions to manage additional workload. The Plan currently anticipates that a Finance and Accounting Supervisor and perhaps other support positions will be hired during the transition period to help implement this work. The City will require skill sets and systems to support budget and rate making activities that utilize the Governmental Accounting Standards Board ("GASB") for accounting and financial reporting, and also maintain books and records in accordance with the Federal Energy Regulatory Commission's Uniform System of Accounts ("FERC Accounting").

The finance and accounting group will be heavily involved in coordinating preliminary budgets, cost of service studies, and rate design to meet specific timeline targets. This requires expansion of current systems, which may be synchronized with the City's implementation of a new enterprise resource management solution (Tyler Technologies' Munis®). Concurrently, budget inputs must be obtained from other functional areas, including operations and power supply. Budget and customer classifications drive retail rate design, which Boulder may develop or may choose to adopt Xcel structures. In turn, the retail rate structures must be approved in advance of permanent financing and also in time to program a new customer information system for live testing prior to Day 1. Finance and accounting services are data intensive and time sensitive. Eventually, financial models must be refined to support ongoing integrated resource planning ("IRP") analysis and critical decisions for future power supply portfolios and innovative retail rate structures. The City must also expand or implement new asset management and work order systems capable of integrating with customer billing, accounting, and financial systems.

E. Planning & Engineering

The Planning and Engineering department of an electric utility is responsible for developing and managing engineering standards for construction, operations, and maintenance of the system. This includes adopting appropriate policies and procedures for day-to-day activities as well as long-range planning related to capital asset replacement. In all cases, safety and reliability are of paramount importance. Policies and procedures must adhere to codes and regulations, including the National Electrical Safety Code ("NESC"), Occupational Safety and Health Administration ("OSHA") Standards, and Environmental Protection Agency ("EPA"). It is expected that the Boulder electric utility will follow industry "good utility practice" and "best practices" in addition to those adopted by the City.

The Plan currently anticipates that a Lead Engineer will be hired during the transition period to help implement this work. This position will coordinate data exchange with Xcel, develop operating agreements, oversee engineering for separation and integration, and ensure that all appropriate standards and policies are in place prior to contractors working on the system. Support staff may be hired at later dates, recognizing that contractors may be utilized for some positions in Scenario B in lieu of permanent hires prior to the decision to acquire.

The initial transition activity is refining the system maps and the Geographic Information System ("GIS"), which includes verifying the accuracy of the existing mapped resources, as these are critical to the City in identifying assets and their corresponding field location, condition, and additional attributes. Many utility processes, such as facility design and construction, outage prediction and management, inventory systems, and asset accounting, depend on system maps and GIS. Next, system modeling and studies must be performed using a software tool to simulate and analyze loads and power flows under various operating conditions. This comprehensive analysis allows the City to assess the current performance of the system, ensuring that safety and reliability standards are achieved. Additionally, studies are used to evaluate alternatives for system improvements and expansion, serving as the basis for long-range planning and capital improvements.

Concurrent with maps and models, the planning and engineering group must adopt multiple standards including, but not limited to:

- Developer Standards
- Interconnection Standards
- Additional Facilities & Services
- Impact Fees & Charges
- Customer Rules & Regulations
- Service Contracts for Large Customers
- Substation, Transmission, Distribution Design Manuals
- Substation, Transmission, Distribution Materials & Construction Standards
- Substation, Transmission, Distribution System Planning Guidelines
- Comprehensive Utility Equipment Testing Procedures
- Right-of-Way Standards & Maintenance Procedures
- Meter Maintenance & Testing Standards

During transition, this work is coordinated by the Lead Engineer and may commence as early in the process as conceivable. The Plan provides the opportunity to base standards and procedures on Xcel's guidelines or adopt alternatives. Most importantly, all standards must be in place prior to Day 1.

F. Power Supply & Delivery

The major responsibilities of Power Supply and Delivery are integrated resource planning, wholesale power, transmission service contracting, and portfolio dispatch and optimization. A key position will be the Resource Planner, responsible for coordinating these tasks, which are highly interdependent with other functions. Power supply is the single highest operational cost and is critical during the transition process, since it drives the City's budget, retail rates, and estimated revenue stream. These components must be forecast in a timeframe and manner that meet permanent financing prerequisites. Additionally, firm power supply is critical to ongoing operations, and Boulder must seek a cost-effective and reliable supply to serve customers on Day 1 and for the near term.

Boulder faces several challenges in pursuing power supply and transmission service as a start-up utility. As part of its modeling process, the City created a 20-year load forecast using available data. Planning forecasts and models will be updated as necessary and must be estimated during the transition period. Also, the City is a new entrant in the wholesale market and must secure new wholesale power contracts to serve current and future load.

During the transition period, Boulder must engage the market to evaluate potential resources that have the capability and flexibility to serve the City on an uncertain date. Concurrently, the City will assess options to continue receiving power from Xcel (Scenario A). Lastly, the equipment for Boulder to receive wholesale power supply at proposed delivery points on Day 1, whether provided by Xcel or a third party, will not meet traditional infrastructure and metering requirements until the construction anticipated in the Interconnection Plan occurs. The City must coordinate closely with Xcel as the transmission provider to develop methodologies and agreements that accommodate a series of wholesale power supply arrangements.

To manage or mitigate the multiple challenges, the Transition Plan incorporates early and rigorous evaluation of integrated resource inputs, including generation market assessments, distributed generation potential, load impacts from energy efficiency and demand side management, and transmission studies. The Resource Planner must directly implement or facilitate evaluations, assemble results, and determine a reliable power supply path that meets the City's risk and budgetary thresholds. This work is complex, time sensitive, and is subject to influence by legal and regulatory proceedings. Power supply and delivery functions will require external consultation and legal assistance to execute and file documents with regulatory agencies.

Ultimately, the City must prioritize a power supply contract or commitment well in advance of Day 1 to meet financing obligations and to ensure that associated transmission service may

be obtained. Once firm supply is secured, Boulder may initiate a more robust IRP process to direct long-range commitments that start on Day 2 or later. The IRP process involves scenario modeling to derive a generation portfolio that meets Boulder's "Utility of the Future" carbon reduction goals. Key inputs include generation cost projections and their sensitivities to drivers such as technology innovation, environmental regulation, distributed generation potential, customer end-use program penetration, and varying carbon goals. The Electric Utility Director will be heavily engaged in ongoing resource planning efforts that will also involve numerous stakeholders and incorporate public input.

G. Legal/Regulatory

The Legal and Regulatory functions of the electric utility are expected to be managed by existing Boulder staff who will contract for assistance when necessary. During the transitional period, Boulder's legal department will oversee condemnation and regulatory matters. The Transition Plan does not identify the legal strategy or anticipated outcomes. Conversely, the Plan and its two distinct scenarios are created to account for the numerous uncertainties of the legal process. The plan identifies contracts, agreements or filings that are expected to be transferred from Xcel or developed by the City to support the proceedings and formation of the electric utility. Many of these are traditional utility filings, while others will be non-standard agreements such as system operations and coordination with Xcel between Day 1 and Day 2.

An additional area of oversight includes North American Electric Reliability Corporation ("NERC") compliance requirements that are triggered by Boulder's transmission line ownership. The Plan includes a NERC Compliance Officer to assess compliance needs, coordinate registrations, document filing requirements, and develop and oversee a compliance plan. Failure to meet reliability standards may result in federally imposed sanctions or stiff penalties.

H. Support Services

The Support Services function includes the City's traditional internal services, such as information technology and telecommunications, safety and environmental, facilities and fleet management, and human resources. Existing Boulder staff will manage transitional work with full-time or part-time incremental staff hired by Day 2 in Scenario A and Day 1 in Scenario B. The exception is the need for a human resources specialist to perform a staffing assessment early in the transition process. Boulder's projected electric utility staffing level is approximately 100 permanent and contract positions, with the majority requiring unique skill sets and knowledge. To prepare for efficient hiring, it is recommended that the City pre-define and approve position titles, responsibilities and pay grades. This will enable the City to expedite the hiring process for key personnel and to select candidates with industry experience who can immediately contribute to the organization while minimizing training.

For the transitional period, Support Services will expand or adopt City policies to include the needs of the electric utility. The most critical area is electrical safety, which is guided by the Occupational Safety and Health Administration and National Electrical Safety Code standards.

The City must adopt safety standards in time to train contractors before any system work is performed and engage a Safety Compliance Officer trained in the unique safety standards for electric utilities. Additionally, Support Services will engage external consultants to assist with global inter-department needs assessments. The timely evaluation of IT systems must be prioritized to determine those that require expansion, development, and possible integration with Xcel. Inter-department evaluations for customary items such as facility space, vehicles, standard software packages, phones, computers, radios, uniforms, and branded items must also be performed.

5. Implementation and Next Steps

The Transition Plan is dynamic and multidimensional, requiring robust management and oversight for implementation. Boulder's next step is to ensure that adequate resources are made available to advance the Plan. Several major items drive implementation costs, including staffing, software and systems integration, and engineering studies. The objective is to minimize expenses incurred during the period of time leading up to the valuation trial, in the event that Boulder decides to forgo purchase of the system. This is particularly important for Scenario B, where the majority of tasks require completion before Day 1 such that Boulder can operate the utility on the date of acquisition.

It is anticipated that the Plan's implementation will be managed by an interdepartmental project team under the guidance of the Executive Director of Energy Strategy and Electric Utility Development and the Energy Future Executive Team. Team members will lead specific functions with additional staffing needs filled through permanent or contract positions as needed. The functional leads will be responsible for determining the timing and most cost-effective method to implement tasks, while always maintaining awareness of inter-dependencies with other functional areas. It is important that staff not be overwhelmed by the size and complexity of the Plan; functions must have clear ownership and accountability and progress should be tracked. The keys to success are communication and adaptability to strategic outcomes of regulatory and legal proceedings. There are thousands of operating electric utilities in the United States, of which most are municipally owned. Therefore, the methods and practices for success exist and can be adapted to the Boulder model without re-inventing most of the processes, procedures and standards. This will expedite and enhance the transition and its success.

6. Signature and Seal Page

The foregoing report expresses my findings and opinions. I have reviewed the data provided for this project, and present herein the statement of my findings upon examination and analyses of the data and my engineering findings. I understand that data provided may be updated or modified, and I reserve the right to change or supplement the opinions and conclusions contained herein, as appropriate.

8/12/14

Gregory L. Booth, PE

Date

I hereby certify this document was prepared by me or under my direct supervision. I also certify I am a duly registered professional engineer under the laws of the State of Colorado, Registration No. 43948.

COLORADO LICENSED
GREGORY L. BOOTH
43948
PROFESSIONAL ENGINEER

8/12/14

August 12, 2014

Gregory L. Booth, PE

Appendix 1
Exponential Engineering Company Interconnection Plan

STATE OF COLORADO)
) *ss.* **AFFIDAVIT**
COUNTY OF LARIMER)

I , Thomas A. Ghidossi, being first duly sworn, state as follows:

1. I am an electrical engineer, licensed as a Professional Engineer in the State of Colorado, in good standing, and have been licensed for 29 years. In addition I am licensed in Nebraska, Wyoming, Utah, New Mexico, Texas, Florida, California, Washington and Alaska. I received my Bachelor of Science degree in Electrical Engineering in 1979 and MBA in 1981 from the University of Colorado.

2. I have 34 years of experience in the electric utility industry. Specifically I have engineered and managed projects including distribution line design, municipal distribution planning, condition assessment and evaluation, generation and interconnection negotiations, substation design, protective relaying, and regional transmission system studies for electrical cooperatives, municipal utilities, investor owned utilities, government agencies and independent power producers. I have performed transmission interconnection studies for Western Area Power Administration and renewable energy developers using PSS/E WECC models.

3. I have provided expert testimony regarding transmission, distribution, and substation facilities in various proceedings. I provide a three and five-day seminar for engineers in several states regarding protective relaying theory, as well as a three-day transmission line design seminar. I have taught courses for senior electrical engineering students at both the University of Colorado and Colorado State University.

4. I am the founder and president of Exponential Engineering Company ("EEC"). For over 20 years Exponential Engineering Company has provided engineering services to rural electric cooperatives, municipalities, government agencies, investor-owned utilitites, independent power producers, and private corporations.

5. EEC was retained by the City of Boulder to conduct an analysis of the electrical system operated by Public Service to determine the optimal location for separation of the electric utility system, in the event the City acquires the system to provide electricity to customers in the City (the "Project"). I am the principal engineer for the Project, and have done or supervised all of the work performed by EEC on the Project. Separation of the electric utility system involves establishing ownership boundaries and points of interconnection/metering to enable reliable, operable and maintainable services to customers while minimizing the impact to or enhancing the performance of the electric grid.

6. The direction given to EEC by the City for the Project was to define a recommended service area for a new Boulder municipal electric utility that would:

a. Serve all properties within the municipal boundaries;
b. Serve City properties with electric needs, where feasible; and

c. Separate the systems at the technically optimum location to maintain reliability for the new electric utility as well as the Public Service system.

7. EEC reviewed the maps available to the City and the visible portions of the electrical system and discovered several factors that facilitated the recommendation for a separation boundary. Specifically,

a. Boulder is surrounded by open space resulting in Public Service's development of an electrical system that is technically and geographically isolated to a significant extent from surrounding areas.
b. The open space has also created areas around the periphery of the City that will have little or no development of additional electric load in the future.
c. Distribution of electricity to the City is via six substations (Boulder Terminal, Leggett, Niwot, Gunbarrel, Sunshine, and NCAR) connected to either a 115kV transmission loop or 230kV transmission lines.
d. The City owns a hydroelectric facility that can provide up to 4500 kW of electricity, which facility is outside of the City boundaries and connected to the 115kV transmission loop running through substations in Boulder.

8. EEC developed criteria as factors that were ideal in determining where the system should be separated. The factors desired were that the new electric utility and its separation boundary would:

- Serve all customers within the municipal boundaries;
- Serve City properties with electric needs where feasible;
- Define interconnection points at the municipal system boundaries and at the technically optimum locations to maintain or enhance quality of service, redundancy and capacity;
- Maintain the primary geographic areas that are presently served by the substations;
- Serve contiguous geographic areas;
- Utilize existing points of interconnection with other external substations as currently operated by Public Service;
- Maintain the ability to cross-feed between substations and to use substation capacity to maintain reliable service to customers;
- Establish logical service area boundaries utilizing existing parcel area boundaries;
- Minimize operational and maintenance conflicts;
- Eliminate the need for duplicate facilities.

9. For a presentation to the Boulder City Council on February 26, 2013, EEC prepared a conceptual boundary that met the criteria it developed described in the paragraph above (the "2/26 Concept"). The 2/26 Concept was prepared after a preliminary evaluation by EEC of the existing facilities serving Boulder, including the substations, transmission circuits, the current location of interconnections to feeders originating outside of the service boundaries, feeders inside service area boundaries, and service lines. The 2/26 Concept was supported by a peer review by Schneider Electric on January 18, 2013.

10. The 2/26 Concept was developed with conversations with several parties familiar with the system, particularly Warren Wendling, P.E.

11. When the Boulder City Council authorized proceeding with the exploration of creating its own utility, EEC took several steps to recommend a separation boundary from the 2/26 Concept. The work by EEC included:

a. field-verification of the facilities and equipment on the ground at each of the potential interconnection points between the proposed Boulder system and the remaining Public Service system;
b. field-verification of the substations, transmission circuits, the current location of interconnections to feeders originating outside of the service boundaries, feeders inside service area boundaries, and service lines;
c. investigation of the portions of the system at the potential service area boundaries; and
d. review of the maps showing the property owned by the City and the boundaries of properties around the perimeter of the 2/26 Concept, and how those properties are currently served by Public Service.

12. As a result of the field verification and review of other information, EEC prepared the map that is **Attachment A**. The Separation Map shows the recommended boundary. The major changes between the Separation Map and the 2/26 Concept are:

a. Properties owned by the City and served by one of the six substations are included;
b. The separation boundary line corresponds with property boundaries as currently described in the recorded ownership documents;
c. Inclusion of properties which the City owns or has a conservation easement over and drawing the boundaries along property lines. The change in service area does not add customers or load beyond the February 26th area but clarifies that certain customers would be included based on information determined during the field analysis. There are fewer than ten "additional" customers clarified to be in the service area in Attachment A than on the area shown February 26.

13. Much of Boulder is served by a 115kV transmission loop that is depicted as the black line on **Attachment B**. EEC recommends that the acquisition for municipalization include this loop. Acquiring the transmission loop will allow the City direct access to the hydro power from the Boulder Hydroelectric Plant owned by the City and allow the City to better manage the flow and distribution of electricity throughout much of the grid serving Boulder. EEC does not recommend that the acquisition by the City include any part of the 230kV transmission lines that run along the east side of the City through the Valmont Switchyard and the Leggett, Niwot and Gunbarrel substations, or any of the 115kV lines depicted in blue on **Attachment B**.

14. EEC's recommendation includes acquiring all or portions of several substations, the locations of which are shown on **Attachment B**. The four substations EEC recommends the City acquire entirely are depicted as white boxes with an "S" at the Sunshine, Boulder Canyon

Hydro, NCAR, and Boulder Terminal Substations (Boulder already owns a portion of the Boulder Canyon Hydro Substation). At the substations depicted as yellow boxes with an "S" on **Attachment B** EEC recommends that Boulder acquire 115kV line terminals including two bays in the Eldorado Substation and five bays in the Valmont Switchyard; as well as access to operate and maintain those facilities. For the Leggett, Niwot and Gunbarrel Substations depicted as green boxes with an "S" on **Attachment B** EEC recommends that the City acquire Xcel's 230/13.2kV transformers (including high side protection and low-side switchgear), and an easement for operating and maintaining those facilities. At the locations depicted as green and yellow boxes (the Eldorado, Leggett, Niwot and Gunbarrel substations and Valmont Switchyard), EEC's recommendation is that the land would remain owned by Xcel, as would the balance of equipment that Boulder is not acquiring.

15. EEC 's recommendation includes that the City acquire or install interconnection equipment generally consisting of meters, disconnect switches, protective devices and communications systems to interface with Public Service's system. Further, the City would take service at the high side of the 230kV transformers and Public Service would maintain the 230kV bus and connections to the 230kV transmission system. The City would own the switchgear and transformer. The locations of the interconnections were determined by:

a. The location of currently existing interconnections as Public Service operates the system,
b. Relocation of some interconnections several yards to meet the boundary conditions and provide easier access in inclement weather; or
c. Addition of (less than 10) interconnections to maintain service and reliability to the City utility and to Public Service customers outside of the City.

16. The separation plan includes four interconnection points where the City would wheel power to Public Service over the distribution system at 13.2kV as a distribution service provider under FERC:

1. US 36 going north from the service territory boundary
2. Along Mineral Road east of the Diagonal (119) feeding north to the town of Niwot
3. Linden Avenue west
4. Lee Hill Road west

17. There are five points in the separation plan where the City would interconnect with Public Service for mutual aid and support as a Distribution Service Provider under FERC:

1. 75th Street south of Valmont Road
2. Arapahoe Avenue east of 63rd Street
3. Baseline Road west of 75th Street
4. South Boulder Road east of South Cherryvale Road
5. South Broadway Road south of Gillaspie Drive

18. There are six interconnection points in the separation plan where the City would interface to the Public Service transmission network and be classified as a Transmission Service Provider under FERC as follows:

1. The 115kV bus at Valmont Switchyard – transmission interconnection
2. The 115kV bus at Eldorado Substation – transmission interconnection

3. The 115kV bus at Boulder Canyon Hydro Substation – transmission interconnection to connect to Public Service's Boulder Canyon Distribution Substation
4. The 230kV bus at Leggett Substation – transformer interconnection
5. The 230kV bus at Niwot Substation – transformer interconnection
6. The 230kV bus at Gunbarrel Substation – transformer interconnection

19. I believe that the separation concept and service boundary allows for orderly, reliable, operable, and maintainable interconnections with Public Service to maintain quality of service matching or exceeding the present system on both sides of the separation.

20. I believe that acquisition of the 115kV transmission loop allows the City to focus greater resources on this portion of the system than Public Service has done in the past and reduces Public Service's exposure for this aged equipment.

21. The EEC recommendation is based on extensive field work and research of publicly available documents and maps available to the City. However, Xcel did not make any of its records available to EEC. EEC may amend its recommendation, if facts unknown at this time are discovered and would require amendment to meet the criteria set forth herein.

This concludes my affidavit consisting of five pages, including this page.

Thomas A. Ghidossi

Subscribed and sworn to before me this 15TH day of August, 2013, by Thomas A. Ghidossi.

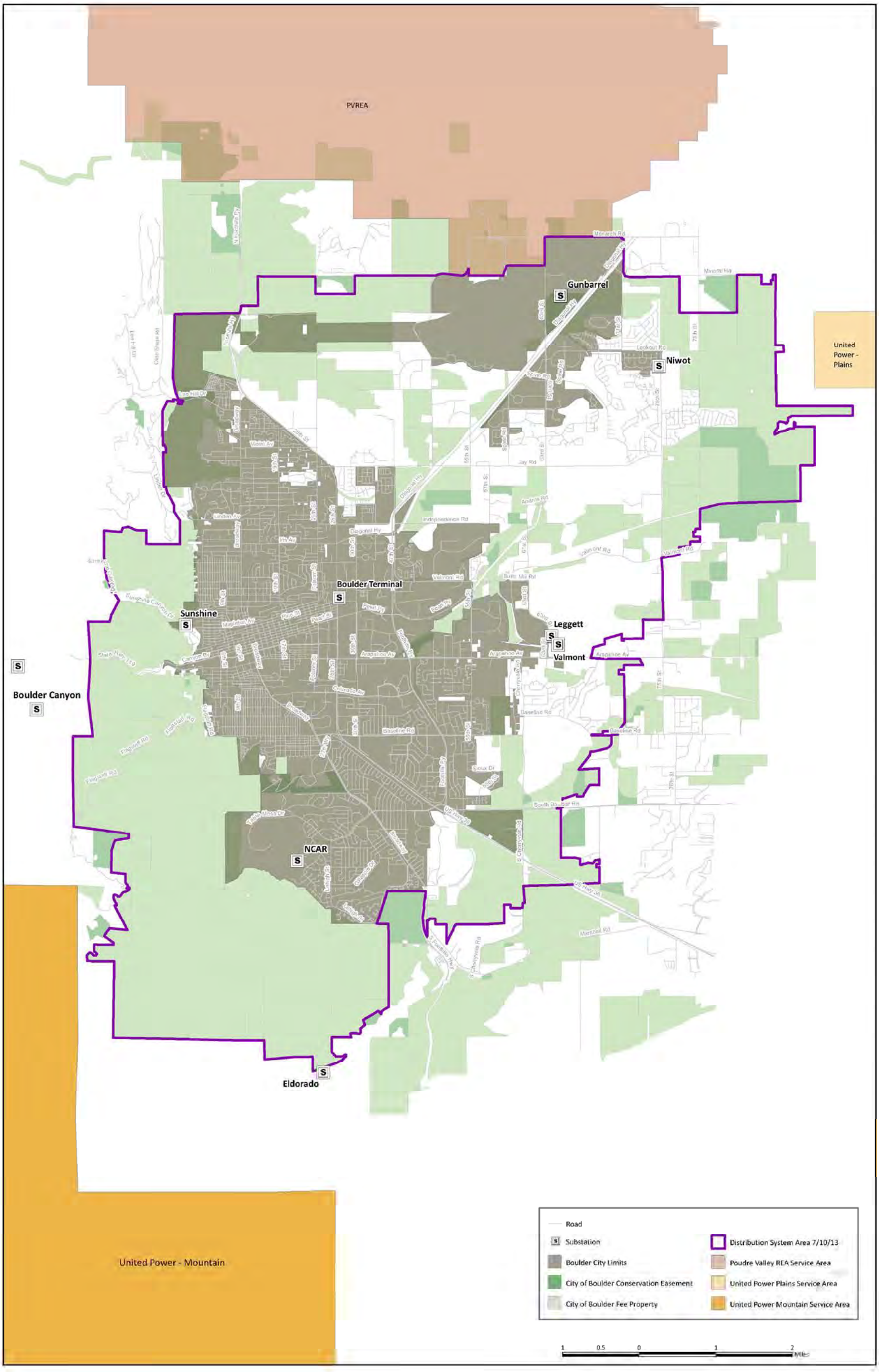
Witness my hand and official seal.

My commission expires: August 30, 2014

Notary Public

(seal)

NOTARY PUBLIC
DOROTHY M DESENA
STATE OF COLORADO



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Exponential Engineering Company
328 Airpark Drive
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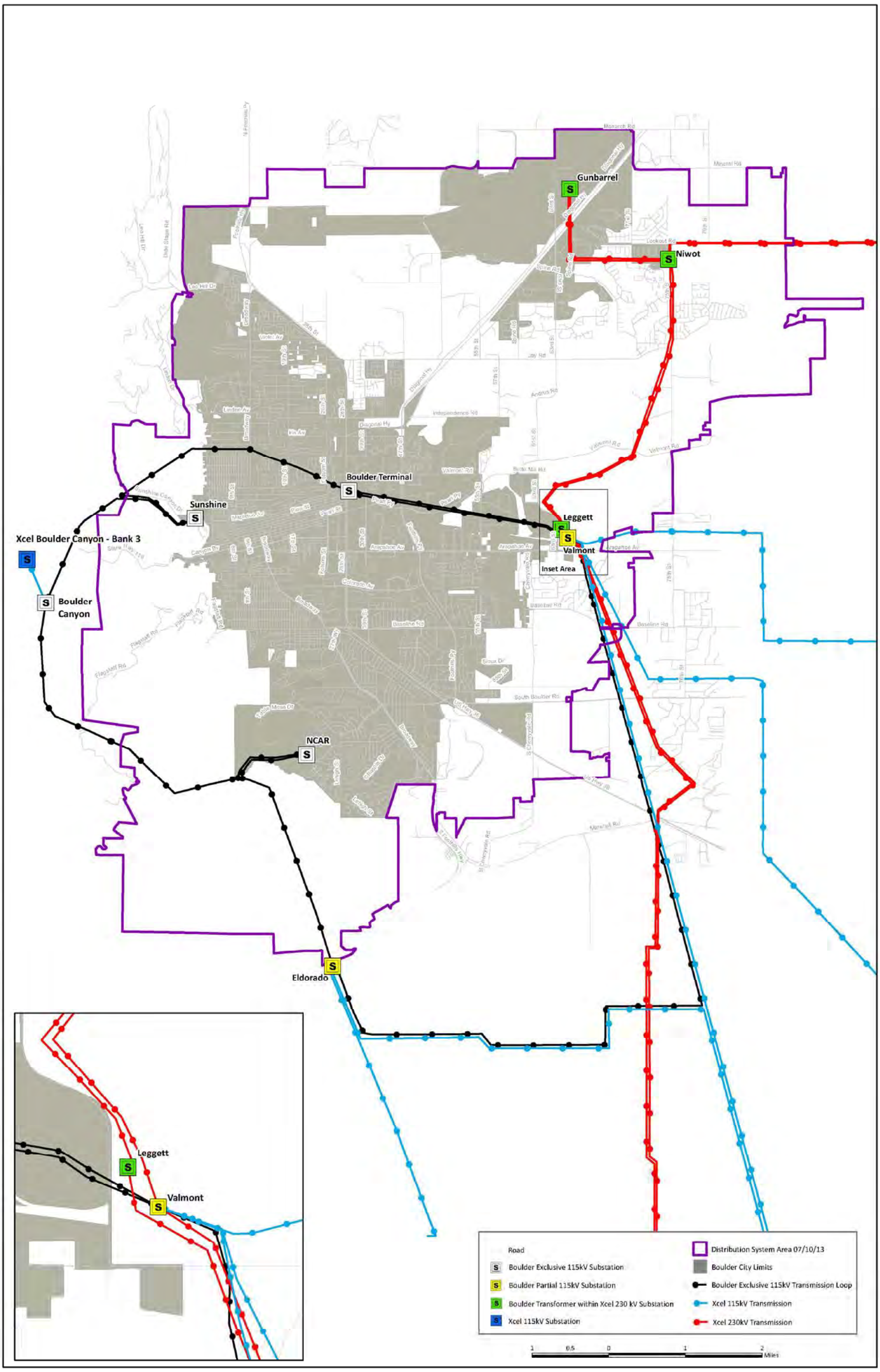
CITY OF BOULDER

ACQUISITION AREA
DISTRIBUTION SYSTEM

No	Revisions	Date	By



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CITY OF BOULDER

ACQUISITION AREA
BOULDER 115KV TRANSMISSION LOOP

No	Revisions	Date	By

TRANSITION PLAN SCHEDULE OVERVIEW

August 12, 2014

TASK	2014		2015				2016				2017-2019		
	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4			
DEFINITIONS													
DAY 1 - Boulder pays for system and has right to collect revenue													
DAY 2 - Full Separation/integration complete												→	2018 QTR3
PLANNING & ENGINEERING													
Systems													
GIS													
SCADA													
Review Xcel SCADA information													
Evaluate SCADA communication protocol											2017 QTR1	↔	2017 QTR3
Implement SCADA system											2017 QTR3	↔	2018 QTR3
Modeling													
Policies/Procedures/Standards													
National Electrical Safety Code (NESC), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), "good utility practice," and best practices													
Developer Standards													
Review Xcel Developer Standards													
Develop Boulder Developer Standards													
Interconnection Standards													
Review Xcel Interconnection Standards													
Develop Boulder Interconnection Standards													
Additional Facilities & Services													
Review Xcel Standards for Additional Facilities & Services													
Develop Boulder Standards for Additional Facilities & Services													
Impact Fees and Charges													
Review Xcel Impact Fees and Charges													
Develop Boulder Impact Fees and Charges													
Service Contracts for Large Customers													
Review Xcel Service Contracts for Large Customers													
Develop Boulder Service Contracts for Large Customers													
Substation, Transmission, Distribution Design Manuals													
Review Xcel Substation, Transmission, Distribution Design Manuals													
Develop Boulder Substation, Transmission, Distribution Design Manuals													
Substation, Transmission, Distribution Materials and Construction Standards													
Review Xcel Substation, Transmission, Distribution Materials and Construction Standards													
Develop Boulder Substation, Transmission, Distribution Materials and Construction Standards													
Substation, Transmission, Distribution System Planning Guidelines													
Review Xcel Substation, Transmission, Distribution System Planning Guidelines													
Develop Boulder Substation, Transmission, Distribution System Planning Guidelines													
Meter Maintenance & Testing Standards													
Review Xcel Meter Maintenance & Testing Standards													
Develop Boulder Meter Maintenance & Testing Standards													
Council approval of Engineering Policies (as needed)													
Planning & Engineering Studies													
System Map													
Review Xcel's System Map for Boulder system													
Issue RFP, Determine Contractor, Complete System Map and Inventory													
System Model													
Review Xcel's System Model for Boulder system													
Issue RFP, Determine Contractor, Update System Model consistent with mapping													
Protective Device Coordination													
Review Xcel's Device Protection schemes for Boulder system													
Issue RFP, Determine Contractor, Perform Coordination Study													
Arc Flash Analysis													
Review Xcel's Arc Flash study/incident energy levels for Boulder system													
Issue RFP, Determine Contractor, Perform Arc Flash Study													
Long Range Plan													

TRANSITION PLAN SCHEDULE OVERVIEW

August 12, 2014

TASK	2014		2015				2016				2017-2019		
	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4			
Issue RFP, Determine Contractor, Complete Long Range Plan											2018 QTR3	↔	2019 QTR2
CONSTRUCTION, OPERATIONS & MAINTENANCE													
Evaluate construction & operations services to outsource (needs assessment)													
RFI for contract crews													
City/council approval as needed													
Issue RFPs and choose contractors for Construction Contract Crews													
Finalize contracts for Construction Contract Crews; contractor implementation period													
Meter Reading													
Expand water meter reading operations or sub-contract; implement													
Locate and lease 12-15 acres with building(s) for Construction Work Space											2017 QTR1	↔	2018 QTR3
Office Space/Printing/Mail Room/Meeting Room (Construction)													
Indoor Warehouse													
Outdoor Warehouse/ Laydown Yard													
Transformer & Equipment Shop													
Vehicle & Equipment Shelters/Storage													
Meter Shop													
Substation Shop													
Vehicle Service & Maintenance													
Dispatch Center													
SCADA Operations Center											2017 QTR1	↔	2018 QTR3
Emergency Operations Center													
Systems													
Outage Management System													
Evaluate Interim Outage Management Options in advance of Boulder implemented system and SCADA													
Implement Interim Outage Management Technology or coordinate with Xcel													
Meter Data Management													
Review Xcel meter reading technical requirements and communication protocols OR contract with Xcel for meter reading													
Implement Meter Data Collection/Management System OR develop meter data transfer and system testing plan with Xcel													
Inventory													
Warehouse Stock													
Obtain list of unique or critical equipment specific to Boulder territory													
Determine warehouse inventory levels and purchasing requirements to meet scheduled and emergency work													
Stock Warehouse													
Meters													
Determine required metering inventory levels and purchasing requirements to replace meters as part of ongoing maintenance													
Stock meter shop													
Needs assessment for future meter replacement program (input into LRP); compatibility, functionality, etc.)											2017 QTR1	↔	2017 QTR3
Equipment/Tools													
Contract Crew Equipment													
Service Crew Equipment													
Meter Tech Equipment													
Vehicles													
Rolling Stock													
Personal Protective Equipment													
Policies/Procedures/Standards (Construction & Operations)													
System Operations Procedures													
Review Xcel system operations standards													
Develop Boulder system operations procedures													
System Inspection, Maintenance, and Testing Procedures													
Review Xcel system inspection, maintenance, and testing standards and reports for 5 historical years													
Develop Boulder system inspection, maintenance, and testing procedures													
Vegetation Management Plan													
Review Xcel information on vegetation management requirements including clearing cycles and status of Boulder circuits.													
Evaluate existing City practices, determine expansion of City practices or develop separate plan, finalize Vegetation Management Plan													

TRANSITION PLAN SCHEDULE OVERVIEW

August 12, 2014

TASK	2014		2015				2016				2017-2019		
	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4			
Outage Response & Emergency Operating Plan													
Obtain SAIDI and SAIFI for Boulder circuits for the most recent 5 historical years													
Evaluate synergies with other City operations and finalize Outage Response & Emergency Operating Plan													
Council Approval of Construction & Operations Policies (as needed)													
POWER SUPPLY													
Policies/Procedures/Standards													
Risk Management Protocols													
REC & Carbon tracking protocols (with sustainability office)													
Resource Planning													
Integrated Resource Planning													
Determine IRP process including: participants, required data, frequency, approval process, need for consultants, etc											2017 QTR1	↔	2017 QTR3
Potential IRP Working Groups											2017 QTR1	↔	2017 QTR3
Colorado Renewable Energy Resource (RES) Compliance Plan													
Develop and implement RES compliance plan based on state requirements											2018 QTR4	↔	2019 QTR2
Load Forecast													
Review 10 years of historical monthly retail load data, by customer class, from Xcel; adjust to delivery points													
Review 10 years of historical DSM & EE energy/capacity displacement from Xcel programs													
Review 10 years of historical generation from third-party owned generation (DG)													
Develop estimate of future generation/displacement from existing and anticipated city owned or third-party DSM/EE/DG for 10 year planning cycle													
Develop current and 10-year summer/winter energy and demand load profile by delivery point													
Evaluate Rocky Mountain Reserve Group participation													
Power Supply													
Power Supply Preliminary Evaluation (RFP Pre-Work)													
Form Power Supply Working Group													
Issue RFP for Power Supply and Transmission Service consultant; choose consultant													
Evaluate Boulder Distributed Generation Potential													
Perform local solar potential capacity analysis													
Create web based solar mapping platform utilizing Lidar or equivalent tool													
Perform Local generation potential capacity analysis (other generation resources, e.g. CHP, biomass, geothermal, etc)													
Establish Short and Long Term Power Supply RFP objectives that meet technical requirements for delivery, cost, environmental priorities and Utility of Future vision													
Contract for Power Supply													
Prepare and Issue RFP for Power Supply													
Receive responses and evaluate bids for Power Supply													
Negotiate Contract/Commit to Power Supply; contingent on trial outcome													
Council approval of Power Supply contract													
Transmission Agreements													
Determine appropriate transmission service													
Provide OATT Application													
Execute OATT agreements for transmission service													
Portfolio Dispatch and Optimization													
Issue RFI for Portfolio Management (Dispatch & Optimization) if required													
Issue RFP for Portfolio Dispatch and contract resources if required													
Implement system requirements for power supply dispatch and coordination with Transmission Owner if required													
CUSTOMER SERVICE													
Issue RFP for call center representative and outsource													
Billing/Collections Staff													
Expand current City operations for electric billing/collections													

TRANSITION PLAN SCHEDULE OVERVIEW

August 12, 2014

TASK	2014		2015				2016				2017-2019		
	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4			
Output Services Inc. (OSI) - printing and mailing bills and notices													
e-Complish/Chase Paymentech - process phone and online credit payments													
JP Morgan Chase - process check payments													
Vanco Services - electronic payments													
Systems													
Customer Information (CIS/Billing)													
Assign Customer Service Manager for project manager of CIS system													
Internal evaluation for CIS system requirements													
Contract with Advanced Utility to configure software for electric billing													
CIS system - Software programming implementation													
Import Customer Account Information and CIS "live" testing with Call Center													
Review Customer Account Information													
Policies/Procedures/Standards													
Customer Service Policies													
Request Xcel's existing customer account policies and charges, deposits, credit checks, disconnection/reconnection, late payments, bill disputes, etc.													
Develop Customer Service policies													
Council approval of Customer Service Policies													
Key Accounts													
Establish criteria for Key Accounts													
Identify and Tag Key Accounts													
Develop Key Account Service Plan													
Customer Account Transition Communication													
Form Communication Working Group													
Develop/revise customer interface platforms and contact information (phone, email, website)													
Launch Customer Transition Communication													
ENERGY SERVICES													
Existing (Xcel) Customer Programs- Billing Transition													
Obtain list of current and anticipated City customers participating in existing Xcel sponsored programs.													
Determine legacy Xcel customers that require program support and ongoing bill credits/compensation (if necessary).													
Incorporate billing methodology to continue credits/compensation to legacy Xcel program participants if necessary.													
Energy Services Development - Day 1													
Form Energy Services working group (energy efficiency and solar)													
Determine Energy Services objectives and preliminary design													
Develop Energy Services budget for 10-year planning cycle													
Identify customer energy services needs													
Perform gap analysis from existing services													
Develop plan to institute energy services as of Day 1 and beyond													
Develop Energy Services													
Engage legal, marketing, customer service, operations, metering, billing, etc.													
Develop Rate Structures or Riders for input into rate development													
Establish Measurement and Verification Guidelines and Methodology													
Public process/Council approval													
Finalize Energy Services													
Market and Launch Day 1 Energy Services													
Branding, Marketing & Communications Plan													
Evaluate need for branding and logo; develop preliminary budget													
Branding design; preliminary marketing/communication plan													
Public Process/Council approval of branding and logo													
Finalize branding and communication plan and budget; identify audience, format, content, and timing													
Launch branding and communication plan													
LEGAL/REGULATORY													

TRANSITION PLAN SCHEDULE OVERVIEW

August 12, 2014

TASK	2014		2015				2016				2017-2019		
	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4			
CONDEMNATION PROCESS													
PUC PROCESS													
FERC/NERC/WECC Compliance													
Perform NERC system compliance assessment; confirm proper registration, register with WECC													
Identify and document filing requirements													
Develop Boulder compliance plan													
FINANCE & ACCOUNTING													
Systems													
Resource (Capital) Planning and Financial Management													
Modify/expand Tyler Munis Financial system for electric operation													
Accounting													
Modify/expand Tyler Munis Accounting system for electric operation													
FERC Accounting													
GASB Accounting													
Purchasing													
Asset Management													
Insurance													
Personnel Related Insurance - evaluate current self-insurance coverage and adjust as needed													
Equipment Related Insurance - evaluate current self-insurance coverage and adjust as needed													
Budget													
10-20 year Budget (preliminary/pro forma)													
10-20 year Budget (final for bond issuance)													
Refresh Budget (using final retail rates) for Charter Metrics													
Rates													
Retail Rate Working Group													
Issue RFP and choose contractor for Rate Analysis													
Develop Boulder Rates													
Identify Rate Components and preliminary rate structure													
Cost of Service Study													
Develop Rates (final for bond issuance)													
Public process/Council approval of rates													
Finalize Rates													
FINANCING													
BRIDGE LOAN													
Solicitation													
Council Process													
Bridge Loan Prep													
Bridge Loan Duration													
BONDS													
Bond Prep													
Issue RFP for Bond Underwriter													
Development of official statement													
Rating agency presentations													
Investor presentations/Drafting of disclosure documents													
Issue Bonds													
SUPPORT SERVICES													
Fleet Service Management System													
Administrative Policies													
Human Resources													
HR Staffing Assessment													
Review/revise existing Personnel Policies following HR Staffing Assessment													
IT & Telephone													
Facilities Management													
Fleet Management													
Accident Investigation Procedures													
Incorporate electric operations requirements into current procedures													
Establish/Adopt Safety Policies & Training Programs for electric operations													
INTER-DEPARTMENT ASSESSMENTS											2017 QTR1	↔	2018 QTR3
Governance													
Governance Working Group													
Create Utility Advisory Board													
INTERCONNECTION											2017 QTR1	↔	2018 QTR3

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Karen Rahn, Director, Human Services
Allison Bayley, Youth Opportunities Program Coordinator

Date: Aug. 19, 2014

Subject: Information Item: 2014 - 2015 Youth Opportunities Program Annual Grant Allocations

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EXECUTIVE SUMMARY

This memorandum presents the allocation of 2014 Youth Opportunities Program (YOP) annual grant funds. A total of $99,244 has been allocated to 10 community agencies. Funding recommendations were developed by the Youth Opportunities Advisory Board (YOAB), comprised of 16 Boulder-resident high school students. Youth benefiting from grant funds typically perform local volunteer work in exchange for receiving financial support.

FISCAL IMPACT

The Youth Opportunities Fund (YOF) allocated $99,244 for annual grants, which was appropriated in the 2014 budget. There are no additional fiscal impacts.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Social: All funds provide cultural, recreational or educational activities for middle and high school-age city youth. Some grantees provide after school and summer opportunities for youth whose life circumstances present barriers to success, including immigrant and low-income youth. Research has shown that the greater the number of out-of-school activities a young person is involved in, the less likely s/he is to engage in risk behaviors. The YOP fosters strong relationships between youth and the community, which research has shown to serve as a protective factor for youth. This increased resiliency supports increased high school graduation rates, improved earnings potential, less involvement with law enforcement, and increased self-sufficiency.

BACKGROUND

The Youth Opportunities Fund was established in 1992. The YOP's mission is to strengthen the community through empowering youth, providing enrichment opportunities for youth, encouraging youth civic participation and community service, and advising city government. Funds are allocated each year to provide social, cultural and educational opportunities, and services for city resident middle and high school-age youth.

Using guidelines and priorities identified in the Housing and Human Services Master Plan, bi-annual Youth Risk Assessment Surveys (YRBS) and the Social Sustainability Strategic Plan, the YOP has identified the following focus areas to address community needs. Annual grant applicants addressed at least one of these goal areas:

- Address key issues identified in the YRBS results. For example: mental health, substance use, harassment and health disparities based on sexual orientation or ethnicity;
- Promote youth voice by engaging youth in structured aspects of civic life and/or in community dialogue on social issues;
- Provide after-school, evening, and/or summer opportunities that likely would not otherwise be available to youth;
- Provide targeted services, particularly to middle school or Latino youth;
- Provide transportation to help youth access cultural, educational or recreational opportunities or employment;
- Provide employment-related education opportunities for youth; and
- Support city-sponsored after-school activities.

The priority for all YOP funding is to support programs serving low-income, at-risk, or differently abled youth. Programs must use a Positive Youth Development approach and specifically utilize youth engagement, youth-adult partnerships, cultural responsiveness and/or a strengths-based approach in their programming.

ANALYSIS

Eighteen annual grant proposals totaling $199,687 were received. Ten proposals were funded, totaling $99,244 **(Attachment A).** Of those, two were funded for two years. Combined with the $30,431 approved for two years in the 2013 process, a total of $129,675 will be distributed in the 2014-2015 academic year.

Proposals totaling $72,583 were not funded **(Attachment B**). Proposals were reviewed by Youth Opportunities Advisory Board members and scored using the following criteria: evidence of community need, organizational capacity, youth input into proposal and program development, integration of Positive Youth Development principles, program components, program evaluation and program budget. Youth and adult representatives from each application attended in-person interviews to present their proposal and answer questions from Youth Opportunities Advisory Board members. Final allocation decisions were made to ensure a wide variety of youth would be served by quality Positive Youth Development programs that value and incorporate youth input.

The recommendations for allocations were presented to the city manager by representatives of the Youth Opportunities Advisory Board on June 26, 2014. The city manager approved the recommendations.

NEXT STEPS

- Contracts with successful applicants will be executed.
- Funded programs will receive half of their funding in September.
- Agency mid-year reports are due in January, 2015. On approval of the mid-year report, agencies receive the second half of their funding in February, 2015. Final reports are due in September, 2015.

ATTACHMENTS

A: YOP grant allocations
B: YOP grant requests not funded

Attachment A: YOP grant allocations

Chart 1: 2014-2015 Youth Opportunities Program Annual Grant Allocations			
Agency	**Project**	**2014-2015**	**2015-2016**
Arapahoe Ridge High School	**REAL Program** To support student leadership and positive youth-adult relationships through the implementation of a Positive Behavioral Intervention Support program.	$9,000	
Boulder High School	**Si Se Puede** Provide mentoring, college preparation and college application support for first generation college students.	$9,509	$9,509
Boulder Judo Training Center	**The Aim Higher Project** Provide a sports-focused alternative community placement program for at-risk youth.	$10,648	
Boulder Museum of Contemporary Art	**The Studio Project and Art Lounge Program** Engage and connect middle and high school youth with contemporary art, visiting artists through leadership development and youth events .	$9,042	
Boulder Valley Women's Health	**SHAPE (Sexual Health & AIDS Awareness Peer Education)** Empower youth to educate their peers to reduce their risk of sexually transmitted diseases or unwanted pregnancies.	$13,000	
Growing Gardens	**Cultiva Youth Project** Involve diverse teenagers in organic gardening as a means to teach sustainable agriculture, leadership, entrepreneurial and life skills.	$8,000	
Mountain Flower Goat Dairy	**Hooves to Hands Entrepreneur Program** To provide the opportunity for entrepreneurship and increase employment skills for youth.	$10,000	
Out Boulder	**Boulder Out Leadership Development** Offer leadership development and community building through art and activism for lesbian, gay, bisexual, transgender, queer and allied youth.	$7,100	
Parks & Recreation: Youth Services Initiative	**Getting Fit Program** Facilitate the positive development of low-income youth by connecting them to experiences that will empower them to make positive choices for healthy lifestyle.	$13,000	$13,000
Parlando School For The Arts	**Music Education Accessibility Project** To make music education and performance opportunities more accessible to youth.	$9,945	
Total Requests Funded		$99,244	$22,509

Attachment B: YOP requests not funded

Chart 2: 2014-2015 Youth Opportunities Program Annual Grant Requests Not Funded			
Agency	**Project**	**2014-2015**	**2015-2016**
Arts as Action	**Young Artivists Performance Lab** Provide art workshops to youth residents at Attention Homes youth shelter.	$3,330	
Bridge Beanery	**Tutoring Program** Provide after school peer tutoring to high school students.	$5,000	
Boulder Philharmonic Orchestra	**Symphony Schools: Boulder Phil Music Outreach and Education Program** Host opportunities for youth involved in school music education programs to learn from professional musicians.	$15,000	$15,000
Casey Middle School	**Baile Folklorico Dance Group** Provide an opportunity for middle school students to learn and perform traditional dances.	$13,863.91	
Greater Boulder Youth Orchestra	**Greater, Bolder Collaborations** Provide opportunities for youth involved in the Greater Boulder Youth Orchestra to partner with professional musicians.	$15,000	
I Have a Dream Foundation	**Dreamer Council & Expanding the Dream** Support youth leaders at Casey Middle School in the Dreamer Council and provide college preparation workshops and tours to all students at Casey Middle School.	$15,000	$15,000
Stories on Stage and Second Wind Fund	**Voices Out of Silence** In school assemblies and presentations that use professional actors to tell the stories of youth impacted by suicide and depression.	$5,581	
Wildlands Restoration Volunteers	**Youth Stewardship Program** Support the Youth Steering Committee, High School Crew Leader Training and projects involving youth in outdoor stewardship and restoration.	$14,808	$14,808
Total Requests Not Funded		$72,582.91	$44,808

CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
*** * * MINUTES * * ***
WEDNESDAY, JULY 16, 2014, 3:00 P.M.
CITY COUNCIL CHAMBERS
MUNICIPAL BUILDING – 2ND FLOOR
1777 BROADWAY, BOULDER, COLORADO

NAME OF BOARD/COMMISSION:	Beverage Licensing Authority (BLA)
DATE OF MEETING:	July 16, 2014
NAME & PHONE OF PERSON PREPARING SUMMARY:	Mishawn Cook, Licensing Manager (303-441-3010) Kristen Huber, Licensing Specialist (303-441-3034)

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

Board Members: Steve Wallace, Harriet Barker, Lisa Spalding, and David Timken.

Staff Present: Sandra Llanes, Assistant City Attorney, Mishawn Cook, Licensing Manager, and Kristen Huber, Licensing Specialist.

QUASI-JUDICIAL MEETING OUTLINE OF AGENDA

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1. **Member roll call; Approval of Beverage Licensing Authority (BLA) minutes from May 21, 2014, and hearing agenda issues from licensing clerk.**

   Roll call was taken. A quorum of four BLA members were present, with Member McMurray absent. Member Spalding suggested changes to the May 21, 2014 draft minutes. Member Barker moved, Timken seconded, to approve the May 21, 2014 minutes as amended. Motion approved 4:0.

   Ms. Cook stated that there would be questions for the BLA regarding Agenda Item 4 for Pearl Street Pub and Cellar, LLC d/b/a Pearl Street Pub and Cellar.

   Ms. Cook also stated that Frasca Food and Wine Inc d/b/a Frasca Food and Wine had a request for clarification regarding who could represent the licensee at the hearing. Michael Laszlo appeared as licensee's attorney. Mr. Laszlo requested a vote by the BLA to determine whether Nicole Palovick, manager, could represent the licensee at the hearing. Member Spalding moved, Timken seconded, to allow Ms. Palovick to represent the licensee. Motion approved 4:0.

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

   No matters were discussed.

3. **Matters from the Responsible Hospitality Group.**

   No matters were discussed.

4. **Public Hearing and Consideration of whether there is good cause for a non-renewal of a May 9, 2014 non-administrative renewal application from Pearl Street Pub and Cellar, LLC d/b/a Pearl Street Pub and Cellar, 1108 Pearl Street, Boulder, CO 80302; Jim Sonn, Owner and Registered Manager, Paul Berg, Owner, and Lew Sonn, Owner; with a premise business mailing address, for a renewal of a Tavern type liquor license.**

   Michael Laszlo appeared as licensee's attorney. Jim Sonn, Registered Manager, and Alexander Sandoval, Licensee Employee, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived by Mr. Laszlo. Members Wallace, Spalding, and Timken disclosed that they received an email from a member of the public regarding the licensee's operations but they stated that the email would not impact their ability to remain impartial in the matter and it was noted that the individual was not present. No other ex-parte communications were disclosed. No BLA members disclosed conflicts of interest.

   Mr. Sandoval and Mr. Sonn provided testimony regarding the licensee's alcohol service training.

   Member Barker moved, Timken seconded, to approve this renewal application for a Tavern type liquor license with a condition of non-administrative renewal in 2015. Motion approved 4:0.

5. **Public hearing of an April 24, 2014 application from Lee & Bitters LLC d/b/a The Bitter Bar, 835 Walnut Street, Boulder, CO 80302; James Lee, Managing Member, Michael Banesse, Member, and Kimberly Banesse, Member; with a premise business mailing address, for a transfer of a Tavern type liquor license.**

   Ms. Cook noted that the answers to the city questions had been added as Agenda Item 5, Exhibit 1.

   James Lee, Managing Member, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were read. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

   Mr. Lee provided testimony regarding the transfer application and his plans for this location.

   Member Barker moved, Spalding seconded, to approve this transfer application for a Tavern type liquor license. Motion approved 4:0.

6. **Public hearing of a May 13, 2014 application from Frasca Food and Wine Inc d/b/a Frasca Food and Wine, 1738 Pearl Street, Unit 104, Boulder, CO 80302; Robert Stuckey, Owner and Registered Manager, and John MacKinnon-Patterson, Owner; with a premise business mailing address, for a modification of a Hotel-Restaurant type liquor license.**

   Michael Laszlo appeared as licensee's attorney. Nicole Palovick, Manager, and Max Scott, petitioner with Oedipus Inc., were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived by Mr. Laszlo. Member Wallace disclosed that he had inquired about the modification with Robert Stuckey, Owner, but he stated that the communication would not affect his ability to remain impartial in the hearing. No third parties requested interested party status and no public comments were received. No other ex-parte communications were disclosed. No BLA members disclosed conflicts of interest.

   Ms. Palovick provided testimony regarding the modification application. Mr. Scott provided testimony regarding the neighborhood petitions.

   Member Spalding moved, Timken seconded, to approve this modification of a Hotel-Restaurant type liquor license. Motion approved 4:0.

7. **Public hearing of a May 13, 2014 application from Rincon Argentino LLC d/b/a Rincon Argentino, 2525 Arapahoe Ave, Unit A5, Boulder, CO 80302; Christian Saber, Owner, and Karly Saber, Owner; with a premise business mailing address, for a modification of a Beer & Wine type liquor license.**

   Christian Saber, Co-Owner, and Karly Saber, Co-Owner, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were read. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

   Mr. Saber and Ms. Saber provided testimony regarding their modification application.

   Member Timken moved, Spalding seconded, to approve this modification of a Beer and Wine type liquor license. Motion approved 4:0.

8. **Public hearing of a May 16, 2014 application from BaconLuv LLC d/b/a Blackbelly Market, 1606 Conestoga Street #3, Boulder, CO 80301; Hosea Rosenberg, Registered Manager and Owner, and Peter-Christian Olivo, Owner; with a business mailing address at P.O. Box 7461, Boulder, CO 80301, for a new Hotel-Restaurant type liquor license.**

   Hosea Rosenberg, Registered Manager and Owner, and Peter-Christian Olivo, Owner, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were read. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

   Mr. Rosenberg and Mr. Olivo provided testimony regarding the license application and neighborhood petition results.

Member Spalding moved, Barker seconded, to approve this new Hotel-Restaurant type liquor license. Motion approved 4:0.

9. Matters from the Assistant City Attorney:

No matters were discussed.

10. Matters from the Licensing Clerk:

A. <u>Informational items:</u>

i) July Special Events and Temporary Modifications

This material was stated to be in the hearing packet.

ii) July Liquor License renewal mailing list

This material was stated to be in the hearing packet.

iii) Closed locations discussion

Ms. Cook stated that the liquor license held by the landlord of 1600 Pearl St. Transfer LLC was surrendered and a new tenant is interested in applying for a liquor license at that location.

11. Matters from the Chair and Members of the Authority

Member Wallace inquired about the date of the Special Hearing for Press Play. Ms. Cook stated that the hearing date had not yet been determined.

ADJOURNMENT

Member Barker moved, Timken seconded, to adjourn the meeting. Motion approved 4:0, thus the hearing was adjourned at 4:20 p.m.

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

3rd Wednesday of every Month at 3PM in City Council Chambers for 2014.

Attested: Approved:

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

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY

NAME OF BOARD/COMMISSION: Environmental Advisory Board

DATE OF MEETING: June 4, 2014

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Juliet Bonnell, 303-441-1931

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Environmental Advisory Board Members Present: Mara Abbott, Tim Hillman, Larissa Read, Stephen Morgan, and Morgan Lommele.

Staff Members Present: Brett KenCairn and Juliet Bonnell

MEETING SUMMARY:

- The board appreciated being informed about upcoming agenda topics ahead of time and agreed to ask specific questions on topics prior to board meetings so that staff can arrive prepared with answers.
- The board agreed to follow up with other boards regarding old business whenever there are relevant topics to discuss.
- The board agreed to stay on top of things and bring items up to board members and staff as necessary.
- EAB members agreed to forward emails with relevant topic information to keep each other apprised of current activities.
- The board emphasized the importance of public involvement and feedback and ensuring that feedback is heard.
- **S. Morgan** felt more public involvement is needed from the business community while considering whether and how to mandate commercial recycling. He thought this should be encouraged through incentives and not regressive.

1. CALL TO ORDER
The Environmental Advisory Board Chair **M. Abbott** declared a quorum and the meeting was called to order at 6:07 p.m.

2. APPROVAL OF MINUTES
On a motion by **T. Hillman,** seconded by **L. Read**, the Environmental Advisory Board approved (5-0) the May 14, 2014 meeting minutes.

3. PUBLIC PARTICIPATION
Hillary Collins of Boulder County's Sustainability Office introduced herself to the board. She will be attending EAB meetings moving forward and can act as a link to the county's Resource Conservation Advisory Board. She's currently working with LEAD and providing input on the ZWSP. She supported the city's approach to meeting zero waste goals so far. She noted that the commercial recycling recommendation makes sense and relates to the county's desire to expand its recycling center.

4. DISCUSSION ITEMS

A. Mid-year check in

The board reviewed their original 2014 Focus areas and reflected on how the first half of the year has gone and discussed how they would like the remainder of the year to progress.

Board coordination
EAB agreed that relevant topics are important for them to track as well as how these topics might correlate with other boards' agendas. It was mentioned that while tracking local food board members might want to look at Planning Board, OSMP, and Water Resource Advisory Board agendas.

S. Morgan noted that he supports green energy, but he feels that regressive taxes are preventing homes from being affordable. He asked how to ensure that this interdisciplinary issue be addressed and asked for help determining what the appropriate venue for discussing this issue would be so it can be heard by a group that has the authority to effect change.

B. KenCairn responded that this would be a good topic for **S. Morgan** to bring up to City Council at a meeting.

The board agreed that they should make full use of the Old Business/Updates section of their agenda to check in and ensure that the board is aware of relevant issues and informed on how they are being addressed.

Waste Reduction
The board felt this topic was being handled very well by staff and appreciated Eco-Cycle's presentations to the board on this topic.

Business and corporate recycling
S. Morgan felt that the business community (Chamber of Commerce) hasn't been involved in this conversation and process enough. He supports requiring commercial recycling, but does not support the proposed approach.

Staff is beginning outreach to the community including the business community over the summer. An update will be provided to the board in September. In the meantime, **S. Morgan** will draft specific questions about this issue for staff to respond to prior to their July Study Session with City Council. EAB will be sent the ZWSP CC SS memo when it is available in July.

The board discussed the importance of tracking issues that are important to them and following whether their recommendations have been implemented. If their recommendations have not been implemented, then the board should begin tracking the effectiveness of the strategy that has been implemented.

Any additional requests for information from the board can be given to **B. KenCairn** who will follow up with appropriate staff to gather the information requested.

Climate Commitment
The board felt they've been well informed on this topic.

B. KenCairn responded that the board has been providing valuable feedback on this issue. The

strategy that should be employed will be different depending on whether or not Boulder municipalizes, so it's difficult to plan ahead too far with a climate strategy. He noted that there hasn't been enough clarity internally and alignment to gather substantial feedback yet. Energy Future has begun to merge with Climate Commitment again and because climate is an energy issue this shift in direction will help.

Environmental Effects from the Flood
The board requested an update on this topic which has been scheduled for November 5. **L. Read** will put together some questions for the flood staff experts to help them prepare for the meeting.

Public understanding and engagement in meeting emissions targets:
This is such a nebulous topic and staff is not sure whether it will still be discussed in terms of emissions. Staff needs to better clarify the correct measurements for our new energy system. The metric of success could shift to the amount of energy coming from renewable energy sources. Low-carbon economic development needs to be a focus.

The board can provide valuable feedback on the focus of the message to the community and determining what people are really looking for. **B. KenCairn** noted that once we are internally aligned this will be a social and technological change that needs to move forward quickly and significantly. He requested that the board remain engaged in this issue and be thinking about public engagement strategies.

5. PUBLIC HEARING ITEMS

6. OLD BUSINESS/UPDATES

A. Recap of Camera Op-Ed process

M. Lommele noted that it was an easy process and the board should consider writing Op-Eds more often.
L. Read liked that the Op-Ed included lots of facts as well as information about the board.

7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER, AND CITY ATTORNEY

Regarding the ash trees that were cut down on near West Pearl, EAB suggested that staff better inform the public that tree removals are planned and the reasons why in order to minimize uninformed public outcry.

M. Lommele recommended **K. Alexander** write a letter to the editor in response to public outcry about the removal of ash trees to highlight the research that is being done on this in a very succinct, effective way. The board suggested that staff emphasize that there will be mortality in these trees but they're being managed in a way designed to keep the aesthetic qualities of our community's street trees. The goal is to restore natural balance and make our trees less vulnerable and more resilient.

L. Read mentioned that the city's Emerald Ash Borer website is a helpful resource. She also suggested that the fall leaf and mulch drop event could be used as an opportunity to increase public awareness of Emerald Ash Borer.

8. DEBRIEF MEETING/CALENDAR CHECK

9. ADJOURNMENT

Environmental Advisory Board adjourned at 7:32 p.m.

Approved:

8/6/14

Chair Date

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY

NAME OF BOARD/COMMISSION: Environmental Advisory Board

DATE OF MEETING: June 25, 2014

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Susan Meissner, 303-441-4464

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Environmental Advisory Board Members Present: Mara Abbott, Tim Hillman, Larissa Read, Stephen Morgan.

Staff Members Present: Brett KenCairn, Lauren Kolb, Randall Rutsch, Kathleen Bracke and Susan Meissner

NAMES OF MEMBERS ABSENT:
Morgan Lommele

MEETING SUMMARY:
4A: The board appreciated **L. Kolb's** presentation regarding local food. They recommended that OSMP better advertise and promote its local farms, look at breweries as possible tenants and include factors related to Climate Change in future planning efforts.

5A. The board thought that the TMP was comprehensive. They suggested that staff include a summary of key points, assess means for developing public private partnerships and user-based fees, and foster integration between different forms of alternate transportation through infrastructure, transit hubs, signage and technology. The board voted unanimously (**M. Lommele** absent) to recommend the TMP to Council for approval.

1. CALL TO ORDER
The Environmental Advisory Board Chair **M. Abbott** declared a quorum and the meeting was called to order at 6:09 p.m.

2. APPROVAL OF MINUTES
On a motion by **M. Abbott,** seconded by **T. Hillman**, the Environmental Advisory Board voted 4-0 (**M. Lommele** absent) to approve the June 4, 2014 meeting minutes.

3. PUBLIC PARTICIPATION

4. DISCUSSION ITEMS
A. Local Food (Lauren Kolb, OSMP)

L. Kolb presented the item.

M. Abbott thanked **L. Kolb** for the presentation. She thought that the programs presented were fantastic.

Board Questions:
L. Kolb answered questions from the board.

Board Comments:
S. Morgan thought the programs were great and recommended that staff look for opportunities to better inform the community about them through improved outreach and communication. He suggested that OSMP speak with the Brewers Association given the community's interest in local beer and breweries.

T. Hillman thought that the Open Space Local Food efforts were great and noted that he did not know about them previously. He thought there was value in engaging the community in the process.

L. Kolb explained that OSMP is working to make the website navigation and content more user friendly and plans to better identify city-owned farms by adding signage.

L. Read asked whether OSMP has plans for mitigating the future effects of Climate Change on the properties and suggested implementing grazing plans that teach cattle to eat weeds. She congratulated **L. Kolb** on OSMP's recent successful volunteer day. CSA member tours could be a popular way to connect members with their farms.

M. Abbott thanked OSMP staff for efforts to evolve and improve its programs. The community appreciates the open space management and boundaries.

5. PUBLIC HEARING ITEMS
A. Transportation: Transportation Master Plan Update (Randall Rutsch, Transportation)

Staff Presentation:
R. Rutsch and **K. Bracke** presented the item.

Board Questions:
R. Rutsch and **K. Bracke** answered questions from the board.

Board Comments:
L. Read congratulated staff on the TMP update; she thought it was thorough and appreciated the joint meetings. She thought it would be helpful for the public to see how all of the pieces are integrated but recommended that staff highlight the main objectives.

R. Rutsch noted that transit plans aim to support the BVCP goals but there is a limit to what transit can do alone. Land uses must also adapt to support transit.

K. Bracke hoped that the plan will reinforce the interconnectedness between different facets of the planning process. Walkability scores and tools can be used to measure the progress of neighborhoods at regular intervals. Metrics are important means to inform collective decision making and for making improvements.

B. KenCairn suggested that staff focus on areas where there is room for innovation such as East Arapahoe. Show the community what can happen when various planning efforts are integrated.

T. Hillman thought the TMP update was comprehensive. Though Boulder is moving in the right

direction, he cautioned that continuous tweaks and improvements must be made over time. He liked the living laboratories and suggested that user-based fees be implemented to support community values. Legislative incentives such as a gas tax, or car insurance fees could fund future alternative transit infrastructure. Assure that the community understands that the user-based fees will support community values and a market-based framework that moves money to areas of the economy that the community wants to support; they will not be collected as a source of government revenue.

S. Morgan thought the TMP Update was comprehensive and that the integrated approach made sense. Prioritize what the city can afford to do from capital and staffing points of view. Assess risks and how much can get done. Consider Public Private Partnership solutions for roadways and charging stations in the future, but do not count on them merely for quick fixes. Explain the economic, health and community-wide risks of climate change if the plan is not implemented.

M. Abbott cautioned that some people may not want a community-wide EcoPass. Explain the rationale for providing it to everyone and emphasize the risks and consequences of not doing so. Encourage regional bus-like linkages along the Front Range to Colorado Springs and other destinations. Show the bike and walking path systems online and consider adding them to Google maps. Streamline transfers between different modes of transportation with mobility hubs. Remember that not all people have smart phones. Install map kiosks on the bike paths showing "You are here". Aim to increase the use of the alternate transit resources that we already have. Encourage private employers to provide showers for employees biking and walking to work. Continue year-round creative community outreach and target the reasons why people don't use alternate modes of transportation. Explain the risks of non-action and land use considerations.

Motion:
On a motion by **M. Abbott**, seconded by **L. Read**, the Environmental Advisory Board voted 4-0 (**M. Lommele** absent) to recommend that City Council adopt the TMP Update with the following amendments:

1. Keep an eye on new metrics to emphasize the high level costs and benefits of moving toward more sustainable transit and away from dependence on fossil fuel;
2. Keep public focus and emphasis on risks and costs of not implementing the TMP;
3. Assure that funding modalities are sustainable and equitable distribution of costs and benefits.

T. Hillman noted that much of the local economy is based upon moving people and goods. Convey the scale of transportation costs to the public. Show the incremental shift from fossil-based transit and energy to more sustainable alternatives. Focus on the shift in the local economy and less on any fees associated with making those changes.

The board thanked staff for the great work and for reaching out to the EAB.

6. OLD BUSINESS/UPDATES
A. Environmental effects of the flood (L. Read)

M. Abbott asked whether the board had additions to **L. Read's** email.

B. KenCairn noted that there are three areas: the flood, the recovery and how will this inform

our resilience and capacity moving forward. He thought these questions were great and helpful for staff.

S. Morgan cautioned that bear-proof containers could be expensive. Assure that they are affordable and not a regressive tax. He referenced a Risky Business Report by Bloomberg and Paulson that cited the risks of not taking an aggressive and active stance toward Climate Change. We should take an aggressive approach in this community toward Xcel; perform a full risk assessment of inaction.

L. Read attended a retreat with the Parks Service that discussed scenario planning for parks in light of Climate Change. She recommended it for the city as it allows ideas to be tested.

7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER, AND CITY ATTORNEY

8. DEBRIEF MEETING/CALENDAR CHECK
The next meeting will be August 6th.

9. ADJOURNMENT
Environmental Advisory Board adjourned at 8:27 p.m.

Approved:

Mara A S 8/16/14

Chair Date

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Library Commission

Date of Meeting: May 7, 2014 at the Municipal Building, 1777 West conference room

Contact Information Preparing Summary: Leanne Slater, 303-441-3106

Commission Members Present: Anne Sawyer, Donna O'Brien, Anna Lull, Paul Sutter, and Joni Teter
Commission Members Absent: None

Library Staff Present:

David Farnan, Director of Library & Arts
Jennifer Miles, Deputy Library Director
Matt Chasansky, Arts and Cultural Services Manager
Mary Jane Holland, Youth Services Manager
Leanne Slater, NoBo Corner Library Specialist
Crystal Niedzwiadek, Teen Services Librarian
Melanie Borski-Howard, Library Assistant II

City Staff Present:

Peggy Bunzli, Budget Officer
Devin Billingsley, Senior Budget Analyst
Jennifer Bray, Communication Specialist III
Glenn Magee, Facilities Design and Construction Manager

Public Present:

Felicia Furman, Arts Commissioner

Type of Meeting: Regular

Agenda Item 1: Call to Order and Approval of Agenda **[6:02 p.m., Audio 0:32 sec]**

The meeting was called to order at 6:02 p.m. Agenda Item 3A Approval of April 2, 2014 Draft Minutes was moved to the end of the meeting's agenda.

Agenda Item 2: Public Participation **[6:03 p.m., Audio 1:38 min]**

Arts Commissioner Felicia Furman introduced herself to the Library Commission, mentioned that she was on the Public Art Selection Panel, and offered to answer any questions that the Library Commission may have.

Agenda Item 3: Presentation: 2014 Summer Reading Program Overview **[6:04 p.m., Audio 2:36 min]**

Niedzwiadek and Borski-Howard presented information about this year's Summer Reading Program called Fizz, Boom, Read! A video and more information can be found at http://bplnow.boulderlibrary.org/event/kids-family/summer-reading

Agenda Item 4: Commission Priority Discussion and Input **[6:21 p.m., Audio 19:20 min]**

4A.: Main Library renovation project update (p. 9-11)

- **Project timeline- construction update-** Please see below.
- **Public art selection update and space preparation-**
  Council passed a motion on May 6 in favor of deferring the contract, until a later date, for the public art selection.

  Library Commission: Motion in favor of the minor renovations of the area outside of the glass windows of the Main Library, continue with the plan for clean-up and activation, presented by Sawyer and seconded by Sutter. Vote: 5-0, unanimous vote in favor, motion passes.

  Magee presented information regarding the construction update and a project budget update. (More information can be found at http://boulderlibrary.org/pdfs/commission/2014/handouts/14MayHandouts.pdf)

- **Update on café vendor selection-** Magee presented the café vendor panel's recommendation as the Boulder County Farmer's Market (BCFM).

  Commission discussion, questions and comments included:
  - Is BCFM willing to do any marketing at their regular market events? Absolutely; they wish to start marketing immediately.
  - Will there be signage within the library regarding featured farmer/products? Yes.
  - Can you explain more about the Bridge House component? The BCFM asked the library to consider an idea to seek employees through the Bridge House. There are two programs: The first is the Ready to Work program, which entails employees doing temporary maintenance-type work; the second is graduates of the Ready to Work program that are ready to enter the workplace (employment includes drug and alcohol testing). At this point, this is just an idea that is being considered.
  - Was there any discussion about how the vendor will handle transients who may want to hang out in the café all day? People want to be treated with dignity and BCFM had a positive approach in these discussions as did the other vendors that were interviewed.
  - How much seating will be available for the public? There will be extensive seating available.
  - A statement was made in favor of the BCFM approach and the fact that it is a local organization and provides a great connection to the market on the other end of the Civic Area.
  - A statement was made in favor of the potential for programming in collaboration with the library.
  - What will happen in the winter season? Farming occurs 365 days/year, even though there is currently not a farmer's market in Boulder during the winter.
  - A statement was made about the enthusiasm of working with BCFM as it parallels the library's intent to "Reinvent the Place to Be."
  - A statement was made bout the possibility of creating a new destination lunch spot in Boulder.

  Motion in favor of endorsing staff's recommendation to select the BCFM as the bridge café operator, presented by Sawyer, seconded by Sutter. Vote: 5-0, unanimous vote in favor, motion passes.

  July is the targeted timeframe to have the café open. (Update: The targeted timeframe is now late August.)

  (More information can be found at http://boulderlibrary.org/pdfs/commission/2014/handouts/14MayHandouts.pdf)

- **Automated Materials Handling and RFID project update-** No questions were asked about this item.

Agenda Item 5: Matters from the Department **[7:01 p.m., Audio 58:45 min]**

5A.: 2014 Library and Arts budget update / 2015 planning (p. 12-16)- Farnan introduced Senior Budget Analyst Devin Billingsley. Billingsley reviewed the information presented in the memo to the Library Commission. (More information can be found at http://boulderlibrary.org/pdfs/commission/2014/packet/14MayLCPacket_Combined_revised.pdf)

Commission discussion, questions, and comments included:
- Are the budget decisions [in relation to salary savings] based on needs or opportunities? These are based on need and are prioritized; and there are other needs as well.
- Acknowledgment was given to staff about the strategic stewardship in prioritization of projects in conjunction with the renovation and for paying attention to the small things that also need replacing.
- Advice was given to not rely upon salary savings to fund improvements in lieu of maintaining full staffing levels. Staff replied that we have not been holding back on filling positions. There has been a lot of turnover, and evaluating and filling vacancies takes time.
- A statement was made that the percentage of the budget for the collection appears to be going down (currently about 10.6%), what should the collection budget be for a public library of our size? Best practice is 16 percent of the total budget should be allocated for materials.
- The 'other' budget category [facility rentals, etc.] appears to have dropped; is there an opportunity to pick it up? This item varies year to year and conservatively low projections are made for budgeting purposes. The than actual amount of revenue received for this line item has exceeded projections for the past few years.
- Is there a priority for additional library hours? This possibility will be reviewed via cost savings elsewhere, not by increasing the overall budget.

5B.: Review of draft plans for June 10 City Council Study Session (p. 18-19)- There were no comments or questions about this item.

5C.: Library update (from memo) (p. 20-21)

- **Boulder Library Foundation spring funding requests**- Miles shared the two new spring funding requests: puppets for the children's library for use in various ways i.e. programming, and an outreach program to include recording oral histories of immigrants in Boulder and a published booklet of their interviews.

- **Update on proposed changes to rules of conduct-** This item was deferred until the next meeting.

- **"Reinventing the place to be" marketing campaign-** Samples of this campaign can be found at: http://boulderlibrary.org/pdfs/commission/2014/packet/14MayLCPacket_Combined_revised.pdf

  Commission discussion, questions, and comments included:
  - A suggestion was made to connect this campaign with milestones in the renovation project, i.e. 'Reinventing the Place to Eat' or 'Reinventing the Place to Read.'
  - Suggestion to put the slogan on library cards or bookmarks.

- **Update on principal librarian recruitment process-** There were no comments or questions about this item.

- **Outcome of World Book Night participation-** There were no comments or questions about this item.

- **Colorado Association of Libraries Conference-** Farnan invited the Library Commission to attend this event; Miles explained that the deadline provided in the memo was for early bird registration which is a discounted rate for the conference.

Agenda Item 6: Matters from the Commission **[8:13 p.m., 2 hr 11min]**

6A.: Discussion of public comment on the "Yes!" public art project-

Commission discussion, questions, and comments included:
- Sutter sent an email to City Council in support of the public art program as he was concerned that the tone of the discussion about the "Yes!" project not set that precedent for public art. He urged council to speak courageously about the need for public art, be willing to spend money on it, and to be supportive of public art.
- A statement was made in support of the Library Commission making a motion in favor of public art.
- A statement was made that the money being spent was not the only argument from the public.
- A statement was made that this is less about getting 'good' art but more about creating a framework for handling conflicts when they arise.
- The Library Commission decided to consider a motion for the next meeting; Sutter will take the lead on wording this motion.

6B.: Preparation for joint meeting, May 14 with the Arts Commission- The Library Commission will begin working on a list of suggested improvements in regards to the public art policy. The agenda also includes: presentation on the Civic Area plan, staff presentation which will later be given at the study session with City Council, and the Community Cultural Plan roundtable with the consultants.

6C.: Library Commission update (from memo) (p. 27-29)

- **Library Commission Upcoming Calendar-** The calendar can be found on p. 27 at http://boulderlibrary.org/pdfs/commission/2014/packet/14MayLCPacket_Combined_revised.pdf

- **Minority Opinion Letter on Public Art Process Motions from April meeting-** Information can be found on p. 28 at http://boulderlibrary.org/pdfs/commission/2014/packet/14MayLCPacket_Combined_revised.pdf

- **Evaluation of City-Funded Arts and Cultural Program- responses to minority opinion-** Information can be found on p.28-29 at

http://boulderlibrary.org/pdfs/commission/2014/packet/14MayLCPacket_Combined_revised.pdf

Agenda Item 7: Future Items and Scheduling **[8:33 p.m., Audio 2 hr 31 min]**

- Update on the Main Library Renovation Project including an update on the Teen Technology Lab
- Update on the proposed rules of conduct
- Planning for the upcoming Library Commission retreat- Sharon Morris with the Colorado State Library was contacted to be the facilitator [on July 26].

Agenda Item 8: Approval of April 2, 2014 minutes **[8:36 p.m., Audio 2 hr 34 min]**

Motion to approve the April 2 meeting minutes as amended, presented by Teter and seconded by Lull.
Vote: 5-0, unanimous vote in favor, motion passes.

Agenda Item 9: Adjournment **[8:38 p.m., Audio 2 hr 36 min]**

There being no further business to come before the board at this time, the meeting was adjourned at 8:38 p.m.

Date, Time, and Location of Next Meeting:

The next Library Commission meeting will be a special meeting along with the Arts Commission, and will be held at 6:00 p.m. on Wed., May 14, 2014, at the **Boulder Museum of Contemporary Art, community room on the upper floor**, 1750 13th St., Boulder, CO 80302.

Please note: The regular June Library Commission meeting has been cancelled. The next meeting of the Library Commission is on July 9, 2014, at the Reynolds Branch Library.

APPROVED BY:	ATTESTED:
_____	_____
Board Chair	Staff Secretary
_____	_____
Date	Date

An audio recording of the full meeting for which these minutes are a summary, is available on the Library Commission web page at http://boulderlibrary.org/about/commission.html

Commissioner Sawyer approved these minutes on July 27, 2014; and Jennifer Miles attested to this approval on July 27, 2014.

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Parks and Recreation Advisory Board
DATE OF MEETING: May 19, 2014
NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Sally Dieterich 303-413-7242
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Board Present: Mike Conroy, Michelle Estrella, Kelly Wyatt, Mike Guzek, Marty Gorce, Tom Klenow
Board Absent: Myriah Conroy
Staff Present: Jeff Dillon, Sally Dieterich, Jeff Haley, Alison Rhodes, Doug Godfrey, Teri Olander, Whitney Oftedahl
Guests Present: Paul Kuhn, MIG Planning Consultant for Valmont City Park
TYPE OF MEETING: REGULAR

The meeting was called to order at 6:01 p.m.

OUTLINE OF AGENDA:

I. APPROVAL OF AGENDA: The agenda was approved.

II. FUTURE BOARD ITEMS AND TOURS

Dillon provided a timeline update:

- 3rd/4th quarter PRAB meeting - Emerald Ash Borer (EAB) 15 year strategy plan
- 6/23/14 PRAB meeting – Proposed smoking ban discussion
- Council information packet – Valmont City Park planning update
- Department/FEMA flood recovery work continues
- No tours currently scheduled

III. PUBLIC PARTICIPATION

Public participation was opened.
Eric Harman, non-resident, representing diamond Baseball, spoke on the field shortage in Boulder requesting the Scott Carpenter ball field lease be extended
Jim Warner, resident, spoke as an advocate for platform tennis, requesting to have courts included in the planning process for Valmont City Park.
Public participation was closed.

IV. CONSENT AGENDA

A. Approval of minutes from April 28, 2014
The minutes were approved as written.
B. Informational Items
Written updates were provided to PRAB on park development, flood recovery and upcoming planning and development public engagement opportunities.
PRAB moved to accept the items as written.

V. ITEMS FOR ACTION

There were no Items for Action

VI. ITEMS FOR DISCUSSION/INFORMATION

A. Valmont Site Planning Update
Haley provided a short update on this item.
PRAB members requested planning for additional ball fields, a 50 meter pool, soft trails, gathering places and more playgounds

VII. MATTERS FROM THE DEPARTMENT

A Greenways Advisory Committee (GAC) Request for PRAB Feedback on GAC Pennsylvania Flood Repair/Improvement Project and 2015-2020 Greenways apital Improvement Program.
As PRAB representative to the Greenways Advisory Committee (GAC), Estrella requested PRAB feedback on both items.
PRAB was generally supportive of both items.

VIII. MATTERS FROM BOARD MEMBERS

A. Greenways Advisory Committee (GAC) Request for PRAB Feedback on GAC Pennsylvania Flood Repair/Improvement Project and 2015-2020 Greenways apital Improvement Program.
As PRAB representative to the Greenways Advisory Committee (GAC), Estrella requested PRAB feedback on both items.
PRAB was generally supportive of both items.

IX. NEXT BOARD MEETING: June 23, 2014

X. ADJOURN: The meeting adjourned at 7:42 p.m.

CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Parks and Recreation Advisory Board
DATE OF MEETING: June 23, 2014
NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Sally Dieterich 303-413-7242
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Board Present: Mike Conroy, Myriah Conroy, Michelle Estrella, Kelly Wyatt, Mike Guzek, Marty Gorce, Tom Klenow
Board Absent: None
Staff Present: Jeff Dillon, Yvette Bowden, Abbie Poniatowski, Sally Dieterich, Jeff Haley, Alison Rhodes, Doug Godfrey, Teri Olander, Jeff Haley, Joy Master, Stacy Cole, Lisa Martin, Whitney Oftedahl, Kady Doelling
TYPE OF MEETING: REGULAR

The meeting was called to order at 6:01 p.m.

OUTLINE OF AGENDA:

I. APPROVAL OF AGENDA: The agenda was approved with one change. Staff made a request to move item VII to precede item VI. The motion was approved.

Dillon introduced newly appointed deputy director Yvette Bowden. Bowden shared a short history of her twenty-five years of non-profit, corporate and municipal experience including her responsibility for the expansion of the city of Atlanta's premier green space, Piedmont Park.

II. FUTURE BOARD ITEMS AND TOURS

Dillon provided a timeline update:

- 8/25/14 PRAB meeting – Crestview Park site plan
- 8/25/14 PRAB meeting – Evert Pierson Kids' Fishing Pond update
- 8/25/14 PRAB meeting – Recreation program service analysis update
- 3rd qtr. – Emerald Ash Borer (EAB) pesticide update
- 4th qtr. – Boulder Reservoir Site Management Plan update
- 4th qtr. – Asset management update

III. PUBLIC PARTICIPATION

Public participation was opened.
No one spoke.
Public participation was closed.

IV. CONSENT AGENDA

A. Approval of minutes from May 19, 2014
The minutes were approved as written.

B. Informational Items
Written updates were provided to PRAB on park development, flood recovery and upcoming planning and development public engagement opportunities.
PRAB moved to accept the items as written.

V. ITEMS FOR ACTION

There were no Items for Action

VI. ITEMS FOR DISCUSSION/INFORMATION

A. Proposed Smoking Ban in Parks
Oftedahl provided this item on the potential expansion of the current City of Boulder smoking ban. She outlined the current ban and what the proposal includes. PRAB was asked to provide feedback on extending the ban to city parks, city owned and leased park ways, park property and recreation facilities with the exception of Flatirons Golf Course.
PRAB was generally supportive of the ban with questions about including smokeless tobacco and e-cigarettes.

VII. MATTERS FROM THE DEPARTMENT

A. Boulder Reservoir Site Management Plan Update
Haley provided a brief timeline update on this item.

- 2012 – Adoption of plan
- Planning process included adoption of a site management plan
- Boulder Reservoir Master Plan (BRMP) projects ongoing/completed
- Biological species inventory completed
- Traffic/special events data collection continues
- Community outreach continues
- Final implementation of bond funds underway
- Volunteer raptor monitoring continues
- Nature camps collaboration with Boulder County Audubon Society
- North shore trail realignment/restoration by Mile High Youth Corps continues

B. Operating Budget

Poniatowski gave this update:

- Park Operations shifting to zone management structure
- Natural Lands maintenance lead to be added
- Valmont City park assistant manager to be added
- Emerald Ash Borer (EAB) management continues
- Civic Area activated
- EBCC management /operation consolidated
- Boulder Housing sites/Human Services Department youth services programming coordination with Parks and Recreation Department
- Department shifting to facilitated service delivery – dance/pottery programming
- Department has experienced unanticipated business and flood recovery expenses

VIII. MATTERS FROM BOARD MEMBERS

Wyatt asked about the status of the Knollwood tennis courts and the Evert Pierson Kids' Fishing Ponds.

Dillon responded:

- Fishing ponds repair moving forward
- United States Tennis Assn. (USTA) has offered a $30,000 rebuilding grant
- Local tennis club has offered to teach lessons
- Department will move forward to replace both courts

Conroy (Myriah) asked the procedure to re-establish diving at Scott Carpenter pool.

Dillon provided the following to support the diving closure:

- 2011 – Received recommendation from aquatics builders to remove diving boards due to age and pool depth not meeting current standards
- Feet first diving is still permitted

Conroy (Myriah) asked how the department is planning for implementing a living wage in Boulder and how that will impact the budget.

Dillon responded that no plans have been drafted at this time.

IX. NEXT BOARD MEETING: July 28, 2014

X. ADJOURN: The meeting adjourned at 8:15 p.m.

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: 9 June 2014

Contact Information Preparing Summary: Kaaren Davis 303.441.3233

Board Members Present: Andria Bilich, Daniel Stellar, Zane Selvans, Jessica Yates, Dom Nozzi
Board Members Absent: None

Staff Present: Tracy Winfree, Director of Public Works for Transportation
Mike Gardner-Sweeney, Principal Traffic Engineer
Stephany Westhusin, Principal Transportation Projects Engineer
Kathleen Bracke, GO Boulder Manager
Randall Rutsch, Senior Transportation Planner
Micki Kaplan, Senior Transportation Planner
Marni Ratzel, Senior Transportation Planner
Noreen Walsh, Senior Transportation Planner
Kaaren Davis, Board Secretary

Consultants Present: Tom Brennan and Tim Payne, Nelson Nygaard

Type of Meeting: Advisory/ Regular

Agenda Item 1: Call to Order **[6:03 p.m.]**
The meeting was called to order at 6:02 p.m.

Agenda Item 2: Approval of minutes from 9 May 2014 **[6:02p.m.]**

Motion to approve the meeting minutes from 9 May 2014 TAB meeting as presented: Motion by: Selvans, Seconded by: Bilich
Vote: 5:0

Agenda Item 3: Public Participation **[6:03 p.m.]**
None

Agenda Item 4: Public hearing and TAB recommendation on the update to the 2014 Transportation Master Plan for acceptance by City Council. **[6:04 p.m.]**
Randall Rutsch and Tom Brennan of Nelson Nygaard presented this item.
Power point presented for this item.

Executive Summary from Packet Materials:
This agenda item brings to the Transportation Advisory Board (TAB) the draft of the Transportation Master Plan (TMP) reflecting the technical work, input from Boards and advisory committees, and the public engagement process of the last 18 months. The TMP update process started with a Policy Review Phase showing the policy foundation of the TMP is sound, though there is need for refinement and for the community to accelerate the rate of change to achieve mode shift targets. The Climate Commitment increases the challenge to meet community goals and increases the need for mode shift and for reducing vehicle miles of travel (VMT). So while the policy direction of the TMP remains sound and has shown significant results, refinements in the five Council identified Focus Areas will help meet the TMP and Climate Commitment goals as well as the city-wide Sustainability Framework goals. This work has been supported by a robust public outreach effort, including traditional approaches as well as a strong push in social media and digital formats. Significant changes reflected in this draft TMP include:

- Integrating the "living lab" approach to test Walk and Bike Innovations to enhance safety and comfort for people of all ages and stages of life;
- Developing new Neighborhood Accessibility (a.k.a. 15 minute neighborhood) and Low Stress Bike Network GIS tools for on-going assessment and continuous improvement of walking and biking systems throughout Boulder.
- Presenting the Renewed Vision for Transit, including service, capital and programmatic elements as well

as implementation components and policies for transit investment;

- Continuing to strengthen and build regional partnerships to complete the US36 Bus Rapid Transit (BRT) and bikeway system as well as to advance the regional arterial BRT corridors from RTD's Northwest Area Mobility Study (NAMS);
- Integrating the Transportation Demand Management (TDM) Toolkit with the Access Management and Parking Strategy (AMPS) work;
- Continuing collaboration with Boulder County and RTD to explore opportunities for community-wide Eco Pass program;
- Integrating the TMP update with city-wide planning initiatives such as Envision East Arapahoe, Civic Area, North Boulder, and AMPS.
- Incorporating the Climate Commitment Travel Wise greenhouse gas analysis into the measureable objectives of the TMP with corresponding reductions in the targets for VMT and reduction in single occupant vehicle (SOV) mode share.

As with all city master plans, the Transportation Master Plan takes its overall policy direction from the Boulder Valley Comprehensive Plan (BVCP) and with this update is responding to the BVCP Sustainability Framework and the Climate Commitment. The TAB has been an active participant in shaping this plan and in the multi board workshops that have been part of the integrated planning process.

Staff continues to move forward with the TMP update process with an expanded public outreach process on the draft plan. Social media continues to be a significant engagement tool and a public open house was held on Wed. May 28 at the Boulder Museum of Contemporary Art during the Boulder Farmers Market. In addition, staff is actively working on a number of other efforts in collaboration with city-wide planning and sustainability initiatives.

TAB ACTION REQUESTED

Review and input on the draft TMP update document with a recommendation to Planning Board and City Council. As this is a draft document, the opportunity remains for modifications to the TMP update document as it moves to the other Boards and Council in late June and July.

Public Comment: **[6:30 p.m.]**

- **Jared Hall:** Transportation planner with Boulder County representing the TAC. City staff and consultants have done a great job updating the TMP. They did not take shortcuts. They collaborated with related agencies and plans. Boulder County is excited by the regional aspects of this plan. Emphasis on BRT routes is a good example. Also did excellent work on the TDM and Community Wide EcoPass. A working group on the latter will be forthcoming. The plan is nicely aggressive and innovative. Great community outreach piece. Will be a living document. This is an early part of the discussion as we know other plans and projects will continue to influence the TMP.

Board discussion and comments included: **[6:33 p.m.]**

- Many compliments to staff on a well-organized and visually appealing document that is accessible both to professionals and laypersons alike.
- Many compliments to staff on clear collaboration and excellent involvement of appropriate stakeholders and public input to formulate an excellent living document that clearly and thematically strives to be better and should serve well into the future. The document is nicely flexible. It is not something that will restrict or constrain in the future but will allow the city to explore any available options which might arise in coming years.
- Nine main objectives still seems like a lot, but the objectives provide a good mix of aggressive innovation and traditional concerns.
- A suggestion to emphasize moving the transit fleet to clean technology sooner rather than later.
- A suggestion by one board member that a nice addition would be that the plan point out the opinion that many Boulder streets and intersections are oversized and consequently cost more in operations and maintenance costs.
- A suggestion by one board member that there be more emphasis in the plan towards slowing down cars, user fees, Road Diets, etc. to be more in line with Boulder's values.
- Discussion around the idea that the purely economic benefits to a well-developed transit system are undersold in the plan. These should be emphasized more. More efficient travel, giving people the option to not have a car significantly increases their available income if they don't have to own a car.

- Nice to see the land use component emphasized, particularly with reference for pedestrian friendly planning and development.
- A recommendation that the funding stream be diversified and that be included in the near term work program.
- Discussion on whether 15% overall GHG coming from mode shift is timid given the time scales discussed in the plan.
- Discussion regarding whether the current metrics used to calculate GHG (Greenhouse Gas) data are adequate. The concept that VMT is a poor metric for GHG and that Transit should be calculated in passenger miles or passenger trips to give more realistic numbers. The converse idea that for metrics, we should be careful about abandoning metrics we have been using to communicate with Council and the public (aka. VMT for GHG)
- The TMP should be sure to evaluate and include metrics which capture overall system performance and how well we provide access instead of mobility.

Motion:
Move to recommend the draft Transportation Master Plan Update document to City Council with the understanding that further small changes will be forthcoming.
Motion by: Yates Seconded by: Bilich

Vote: 4-1 (Nozzi dissenting) Motion Passes

Dissenting opinion: Nozzi cannot support adoption without the exception of the "Town Center" from the congestion concurrency objective. He has serious concerns that congestion reduction in the Town Center sends the wrong message about traffic volume/congestion management in the accommodation of cars as the primary mode share.

Agenda Item 5: Public hearing and TAB consideration of a recommendation regarding the 2015-2020 Transportation Capital Improvements Program (CIP) – Part III of III [7:10 p.m.]
Mike Gardner-Sweeney presented item to the board.
Power point presented for this item.

Executive Summary from Packet Materials:
Every year the city goes through a budget process that creates a six-year planning budget, this year for the time period of 2015 through 2020. Within this process, funds are appropriated for the first year, 2015. The Transportation Advisory Board's (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 City Council.

Staff Recommendation: Staff recommends approval of the proposed 2015-2020 Transportation Fund, Transportation Development Fund, and Boulder Junction Improvement Capital Improvement Programs.

Public Comment:
None

Board discussion and comments included: [7:15 p.m.]
- Questions about streetlight pole replacement project required by Xcel.
- Questions about the 28th St. Baseline to Iris Project: Concerns that it proposes to widen 28th and construct a 3rd bus/bike/right-turn lane.
- How the new funds from the tax initiative will be allocated across the CIP and the O&M budget.
- Questions and concerns about the timing of the CEAP for the 28th St. Baseline to Iris project as related to time elapsed from approval of the CEAP through final build out.
- Clarification on the investment percentages represented in the pie charts attached to the CIP memo.
- Discussion about the idea of revision of the CEAP handbook to include recommendations for inclusions of thresholds on time elapsed between CEAP recommendations and project implementation wherein a CEAP should be re-examined prior to implementations.

Motion: Move to recommend approval of the proposed 2015-2020 CIP.
Motion by: Selvans, Seconded by: Stellar
Vote: 5-0

Agenda Item 6: Staff briefing and TAB input regarding the proposed Year 2016-2021 transportation Improvement Program (TIP) submittal process for the Denver Regional Council of Governments (DRCOG) – Part II of III. **[7:37 p.m.]**
Noreen Walsh presented item to the board.

Executive Summary from Packet Materials:
This item provides the Transportation Advisory Board (TAB) with a set of project ideas for potential submittal to the Denver Regional Council of Governments (DRCOG) for the 2016-2021 Transportation Improvements Program (TIP). Staff is following the process used by the Board in preparing the last several TIP submittals and outlined in the May 12, 2014 TAB memo continuing TAB's involvement and advice to implement city policies and objectives. The Board is asked to consider this list of potential submittals for consistency with policy direction of the Transportation Master Plan, funding priority projects for the city within our budget capacity and maximizing the leveraged funding through the TIP process. The city expects to be limited to eight project submittals and staff suggests advancing a subset of candidate projects for additional study and evaluation once the DRCOG criteria are finalized and the solicitation process has begun.

Board Action Requested:
The TAB is asked to review and comment on the suggested list of projects for additional development and scoring. A subset of these projects will be presented to the TAB in July for the TAB's recommendation to City Council and likely submission to DRCOG.

Board discussion and comments included:
- Expressions of support for staff's clearly successful process.
- Discussion around the idea that oversized roads compel us to spend large sums of money to correct for the effects of over sizing. Road diets are less expensive than underpasses and overpasses.
- Questions about how the various types of funding are distributed from the TIP pool.
- Discussion regarding whether the Boulder Junction Slough Path project (incorporated into a larger TIP project), is being held up by a right-of-way issue and whether that issue would affect the scoring of the project.
- Question regarding whether flood mitigation will be a higher ranking factor this year than in prior years.

Agenda Item 7: Information Item and TAB input regarding proposed city-wide no smoking policies related to the transportation system. **[8:05 p.m.]**
Marni Ratzel presented the item.

Executive Summary from Packet Materials:
Boulder is a community with a long history of commitment to both health and quality of life. In early 2014, City Council reaffirmed these commitments by directing city staff to develop a proposal that would eliminate the possibility of outdoor second hand smoke in nearly all of the city's heavily used gathering spaces and recreational facilities. Staff has responded with a proposed ordinance that would ban smoking in city parks, recreation facilities, on city open space and mountain parks, along all multi-use paths, and in much of downtown Boulder. Feedback is being sought from boards and commissions in the areas affected by the proposed ordinance and a public hearing will be held at city council in the 4th quarter of 2014 with additional direction to be determined at that time.

Board discussion and comments included: **[8:10 p.m.]**
- Expressions of discomfort with the scope of the proposed ordinance. It seems extreme and like an oblique way of marginalizing a sector of the population that happens to have a higher number of smokers than others in the community.
- Expressions of support for the ordinance with the exception of adding more signage. We have plenty of sign clutter already. Doubtful that more signage would be effective.
- Concerns about unfairly targeting bike/ped facilities and excluding roadways.
- Support for the ordinance as a transit rider. Glad the effort is being made.
- Boulder is a nanny state and is doing a great job of implementing it.

- Scope is a bit broad. Multi-use bike paths are less of a concern than transit stops where someone cannot move away.
- Preferences for any new signage to be aimed at much more egregious behaviors like riding too fast on the bike paths. Then no smoking could be added.

Agenda Item 8: Matters **[8:17 p.m.]**

A.) Matters from the Board Included:

- **Upcoming Retreat – July 16.**
  - Facilitator will interview all board members prior to the retreat to help distill issues to be discussed.
- **Nozzi brought up the following issues:**
  - Uncomfortable with bicycles riding on sidewalks. Necessary because there are certain street segments that are hostile to cyclists and where riding on the sidewalk is prohibited. Would like to understand where and why riding on sidewalks in commercial areas is prohibited.
  - Road diets in the Town Center. What would the costs be around taking over the O&M for a section of state highway on Canyon in downtown.
  - Asked what the boundaries of the Town Center are and how he could find that. Would be helpful to the board to have a map for the officially designated boundary for the "Boulder Town Center". Staff Response: CAGID and BID boundaries could be used.
- **Bilich brought up the following issues:**
  - Would like to see staff look into some other community metrics for future use in things like the TMP update. Yates suggested bringing that idea to the TAB retreat.
- **Selvans brought up the following issue:**
  - Sustainable Transportation Speakeasy with Will Toor.
  - Was interviewed recently by the Daily Camera for Parking Policy.

B.) Matters from staff included: **[8:28 p.m.]**

- **Regional Studies Update**:
  - Governor Hickenlooper vetoed the HPTE transparency bill, SB 197, but simultaneously signed an executive order about transparency. The executive order had a weaker emphasis on the key role of transit integration compared to the bill.
  - June 24th RTD considers the NAMS recommendations.

Agenda Item 10: Future Schedule Discussion: **[8:35 p.m.]**

Agenda Item 11: Adjournment **[8:36 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:36 p.m.

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

Motion passes 5:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 14 July 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

8/11/14

Date

ATTESTED:

Karen Davis

Board Secretary

8/11/2014

Date

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

CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES

Name of Board/ Commission: Transportation Advisory Board

Date of Meeting: 14 July 2014

Contact Information Preparing Summary: Kaaren Davis 303.441.3233

Board Members Present: Andria Bilich, Daniel Stellar, Zane Selvans, Jessica Yates, Dom Nozzi
Board Members Absent: None

Staff Present: Tracy Winfree, Director of Public Works for Transportation
Bill Cowern, Acting Principal Traffic Engineer
Kathleen Bracke, GO Boulder Manager
Randall Rutsch, Senior Transportation Planner
Jeff Hirt, Planner II
Marni Ratzel, Senior Transportation Planner
Kaaren Davis, Board Secretary

Consultants Present: None

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 9 June 2014 **[6:02p.m.]**

Motion to approve the meeting minutes from 9 June 2014 TAB meeting as amended: Motion by: Selvans, Seconded by: Nozzi
Vote: 5:0

Agenda Item 3: Public Participation **[6:03 p.m.]**
None

Agenda Item 4: Staff briefing and TAB input on Transportation Related Ordinance Changes. **[6:03 p.m.]**

Bill Cowern presented this item.
No Power point presented for this item.

Executive Summary from Packet Materials:
The purpose of this memorandum is to brief the Transportation Advisory Board (TAB) on several proposed transportation-related changes to the Boulder Revised Code (BRC) and to receive input on these proposed changes.

City staff is recommending several amendments to the BRC, which are transportation-related. Generally, these changes are intended to address enforceability or operational issues. Changes range from technical corrections to updating the code to be consistent with state law to achieving consistency with local initiatives already underway, such as recognizing the operation of a shared street. Staff is seeking input on these proposed amendments from the TAB. City Council consideration of the proposed amendments is currently scheduled for September 2014.

Public Comment:
None

Board discussion and comments included: **[6:13 p.m.]**

- Changes to BRC 7-6-2 Abandoned vehicle
  - Clarification that this alteration just changes the enforcement portion by allowing the ticket to be issued to the vehicle rather than to the owner of the vehicle.
  - Clarification on the posting requirements for temporary or events based "No Parking" signage.
  - 72 hour time frame may not be reasonable in certain areas (residential areas with on street parking).

- Changes to BRC 2-2-11
  - The Board expressed support for changes in this section.
- Changes to Definition of Shared Street
  - Motor vehicles have defacto right of way due to their size and speed so using traffic calming, explicit design speed and other design elements for shared spaces would be preferable to include in the definition of shared street. It would be valuable to clearly set the priority.
- Changes to 7-2-12: No comments
- Changes to 7-3-3: No comments
- Changes to 7-4-7:
  - Good clarification on flashing yellow arrow
- Changes 7-4-67:
  - Clarification that the change is to ensure traffic stoppage in both directions for school busses loading and unloading is equally enforceable.
- Changes to 7-4-66: Yield to emergency vehicles and clear a path for them.
  - Questions to clarify intent.
- Changes to: 7-4-78 Wireless Telephone use. No comments
- Changes to: Standard rules of the road for ped/bike/shared street
  - Request for specific clarifications on what was changed and why.
  - 7-5-4 Bicycle to be driven to the right – questions on how Sharrows fall within this ordinance.
- Changes to: 7-5-14
  - Much discussion about whether this gives motorists an unnecessary "out" if a collision happens. The ordinance language appears to be clearer than the summary and is about the same length. Recommend using the code language as the summary.
- Changes to: 7-5-15: No comments
- Changes to: 7-5-16
  - Questions as to whether this affects the requirement already in place that pedestrians must push the button at pedestrian actuated flashing crossings.
- Changes to: 7-6-2: no comments
- Changes to: 7-6-13: no comments
- Changes to: 7-6-21
  - Alleys as loading zones in certain districts. Clarifications on zoning and signage.
- Changes to 7-6-24
  - Disagreement with having RV's subject to being fined and subject to violations twice (or even once). There should be a better way to handle this. Clarification allows City to issue a parking ticket for storage of RV's on residential streets. Enforcement is difficult when this is only a zoning issue as it currently is. Staff has discretion on complaints to be able to deal with visiting relatives etc.
- Changes to: 7-7-2 :
  - Recommendation from a board member to do the ordinance change to allow floating parking for protected bikelanes now, rather than waiting for experimental treatments and having to do an additional ordinance change later. Request that this come back to the TAB at their August meeting with the specific ordinance changes which would be proposed.
- General Comments on process:
  - Like the Community Cycles comments. This approach will lead to more safety. Paradigm shifting worldwide. Legislative agenda should include getting City authorization to not comply with state laws in order to allow this option.

No board action beyond feedback is requested at this time.

Agenda Item 5: Information Item – TMP Follow up - Briefing on Board actions and final submission to Council **[6:49 p.m.]**

Randall Rutch presented the item.
Power point presented for this item.

Executive Summary from Packet Materials:
Since the Transportation Advisory Board reviewed the draft 2014 Transportation Master Plan (TMP) on June, 9, 2014, the plan document has been reviewed and recommended for approval by the Planning Board and the Environmental Advisory Board. Staff is in the process of preparing the August 5, 2014 council memo on acceptance of the TMP. This memo will be sent to City Council and posted on the city's website on July 25, 2014. A hyperlink to the final Council memo will be provided to TAB members on that date.

The draft section of the memo containing the summary of these Boards discussion and motions is included in the following section. A draft of the June 19, 2014 Planning Board summary of its TMP discussion is included as **Attachment A** and the Community Cycle comments are **Attachment B.** Minutes of the Environmental Advisory Board are included at **Attachment C**.

Board discussion and comments included: **[6:52 p.m.]**

- A board member gave a shout out to Community Cycles for comments on Road diets, signal timing and level of service.

No board action is requested at this time.

Agenda Item 6: Matters **[6:54 p.m.]**

A.) Matters from the Board Included:

- **Yates brought up the following issues:**
  - Selvans will be providing talking points on behalf of TAB for TMP item at Council.
- **Bilich brought up the following issues:**
  - Cannot attend the August meeting.

B.) Matters from staff included: **[6:57 p.m.]**

- **Bike and auto parking code changes update**
  Considering updates to the standards for Bike parking. Bike spaces to be calculated based on land use and square footage for commercial/ non-residential and by units and bedrooms for residential. Ratio of short term and long term bike parking. Proposing new standard design for multi-bike parking racks. Stakeholder meeting to share direction of proposed changes and get feedback. Proposed timeline for advancement presented. (Board question regarding spacing of racks in bike corral experiment and how it could be improved and made permanent.)
- **North Boulder Cub-Community Plan update**
  - Statuses of the update process and community engagement were discussed. Many transportation related items are coming to the fore in the update process. An agenda item will be coming to TAB in September to capture the Board's input for the update. Concentrating on the Economic vitality of the North Broadway area (from Violet north).
- **RTD Board considering proposed changes** to the 2040 Regional Transportation Plan for the Denver area. Changes include extension of the Southeast rail corridor and also SH 119 Bus Rapid Transit.
- **Pay as you go ballot item:** Short term sales tax increase to pay for Capital projects over a very short period of time (3 years). Initially focused on Civic Area Plan and University Hill improvements and Events Center damaged by flood. Just before recess, the Events Center was dropped from consideration. Boulder Creek Path improvements to the areas around the Civic Center plan were added instead. Pedestrian scale lighting for night safety and some pathway widening for safety and congestion cost estimate has been assembled for Council's consideration. Chautauqua area cost estimate for same has also been assembled for Council consideration. 3/10 of a cent for three years is the proposed amount and

duration of the tax.

- **Retreat Scheduling**:
  - Monday August 25th is new date. Staff will confirm with facilitator and set firm date.

Agenda Item 7: Future Schedule Discussion: **[7:40 p.m.]**

Agenda Item 8: Adjournment **[7:42 p.m.]**

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 7:42 p.m.

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

Motion passes 5:0

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 11 August 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

8/11/14

Date

ATTESTED:

Karen Davis

Board Secretary

8/11/2014

Date

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

AERIAL DANCE DAY
August 10, 2014

WHEREAS, with the support of the City of Boulder, Frequent Flyers® Aerial Dance has been delighting over 155,000 people since its inception over 25 years ago while creating and promoting the magic of aerial dance through performance and education ; and

WHEREAS, Frequent Flyers® Aerial Dance encourages seeing the world from a new perspective through experiencing the upside-down realm of aerial dance thus expanding consciousness and maximizing our creative potential; and

WHEREAS, Frequent Flyers® Aerial Dance and the City of Boulder recognize the importance of the arts, education and sharing of art work through performance; and

WHEREAS, Frequent Flyers® Aerial Dance and The Dairy Center for the Arts are presenting the 16th Annual International Aerial Dance Festival which continues to advance this art form through teaching and performance; and

WHEREAS, the 16th annual International Aerial Dance Festival taking place at The Dairy Center for the Arts from August 3 through 16, 2014 offers Boulderites the opportunity for people from all walks of life to experience the joy of dancing in the air whether from a seat in the audience or dancing on an aerial apparatus.

NOW THEREFORE, BE IT DECLARED, by the City Council of the City of Boulder, Colorado that August 10, 2014, is

DAY OF AERIAL DANCE

and we call upon the people of the City of Boulder to recognize and support the importance of both aerial dance and the arts in the City of Boulder.

Matthew Appelbaum

Matthew Appelbaum, Mayor

Council Working Agreements

Council Process:

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

Council Communication:

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

Council Committees:

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

Selection of Mayor and Mayor Pro Tem:

- Council members will make a good faith effort to the select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
    - make their interest in the positions known to their fellow members as soon as possible;
    - focus their communication with other council members on the positive attributes the member brings to the positions; and
    - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
    - the skills and attributes the member would bring to the mayoral position;
    - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
    - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
    - how the member would serve on and appoint other council members to regional and national boards and commissions; and
    - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council

Approved by Council: January 21, 2014

	Project	Council or Staff?	2014				2015			
			1st Quarter	***2nd Quarter***	***3rd Quarter***	***4th Quarter***	***1st Quarter***	***2nd Quarter***	***3rd Quarter***	***4th Quarter***
HOUSING/LAND USE/PLANNING	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 ad 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							

	Project	Council or Staff?	2014				2015			
			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***
LIVABILITY	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 njeighborhood 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						

	Project	Council or Staff?	2014				2015			
			1st Quarter	***2nd Quarter***	***3rd Quarter***	***4th Quarter***	***1st Quarter***	***2nd Quarter***	***3rd Quarter***	***4th Quarter***
LIVABILITY	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							
				SS - Hill Reinvestment Strategy	Update - Hill Reinvestment Strategy					
		Staff Activities	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	Coodinate 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		

	Project	Council or Staff?	2014				2015			
			1st Quarter	***2nd Quarter***	***3rd Quarter***	***4th Quarter***	***1st Quarter***	***2nd Quarter***	***3rd Quarter***	***4th Quarter***
LOCAL FOOD	Civic Area	Council Items	IP - update on implementation		SS - catalyst projects					
		Staff Activities								
	Ag Plan	Council Items	IP				Acceptance			
		Staff Activities								
	Other or not categorized	Council Items								
		Staff Activities	CU/BVSD partnerhip 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						
			Design guidelines for edible landscape in local parks							
CLIMATE AND ENERGY	Zero Waste Master Plan	Council Items	IP	SS - options and feedback		Acceptance and action plan		Implementation - commercial focus		
		Staff Activities	Stakeholder input on options and rulemaking on curbside compost		Public feedback on strategies	Draft plan and action plan for public review		Implementation - program enhancements and ordinance development		
	Municipalization	Council Items		SS - workplan	Briefing - energy services	Briefing - energy services	Update - energy services	Update - energy services	Update - energy services	Update - energy services
				SS - energy services						
		Staff Activities		Xcel/city task force; refine recommendations						
	Climate Commitment	Council Items		Briefing - framework, preliminary goals/targets, strategy development	SS - goals/targets, feedback on strategy scenarios, draft document	Approval				
		Staff Activities	Working groups meet	Scenario development; GHG inventory complete	Strategy formulation; city organization initiative launched		Launch action plan			
	Valmont Butte	Council Items			SS					
		Staff Activities								

	Project	Council or Staff?	2014				2015			
			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 Finanical 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

Mary Ann Weideman	Assistant City Manager
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	Police Chief
Maureen Rait	Public Works - Executive Director
Cheryl Pattelli	Director of Fiscal Services
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 (1st alternate), Castillo (2nd 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/ 9th and Canyon	Karakehian, Morzel, Young
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Legislative Committee	Jones, Karakehian, Weaver
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