BOULDER CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Tuesday, October 6, 2015
6 PM

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
   A. 2015 Colorado Companies to Watch

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 **minutes** for the **February 26, 2015** City Council **Special Meeting**

   B. Consideration of a motion to approve the **minutes** for the **March 17, 2015** City Council **Regular Meeting**

   C. Consideration of a motion to approve the **minutes** for the **April 7, 2015** City Council **Regular Meeting**

   D. Consideration of a motion to approve the **minutes** for the **August 18, 2015** City Council **Regular Meeting**

   E. Consideration of a motion to accept the Study Session summary from **July 30, 2015** regarding the **West Fourmile Canyon Creek Annexation Scenarios** and **Design Charrette Study** related to the **Ponderosa Mobile Home Park**

   F. Consideration of a motion to accept the **Study Session Summary** from **September 8, 2015** on the **2016 Recommended Budget**

   G. Consideration of a motion to accept the **Study Session Summary** from **September 17, 2015** on **Mobile Home Parks**

   H. Consideration of a motion to **approve changes** to the **Transit Village Plan (TVAP) Connections Plan** within the **S'PARK redevelopment area** as a part of the Site and Use Review applications Case No. LUR2015-00010, as approved by Planning Board on September 3, 2015

I. Introduction, **first reading** and consideration of a motion to order published by title only **Ordinance No. 8083** designating the building and property at **2322 23rd St., to be known as the Herkert-Glasser Cottage, as a local historic landmark** per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2015-00077) Owner/Applicant: Douglas Johnson and Theresa Hernandez

J. Introduction, **first reading** and consideration of a motion to order published by title only **Ordinance No. 8084** amending Section 4-2-4, "State Law Procedures Apply," B.R.C., 1981, **eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction** imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details

4. POTENTIAL CALL-UP CHECK IN

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

A. Vacation of 364 sq ft portion of a 60ft easement at 3295 Longwood

B. S'Park, 3390 Valmont Rd; 9085, 3155, 3195 Bluff St Site & Use Review

1. **Neighborhood Parking Program** expansion of **Whittier, West Pearl & Mapleton zones** and creation of **New NPP/Aurora**

ORDER OF BUSINESS

5. PUBLIC HEARINGS

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

A. Consideration of the following **items relating to the 2016 Budget**:

1. Public hearing on the proposed 2016 City of Boulder Budget; and
2. Introduction, **first reading**, and consideration of a motion to order published by title only **Ordinance No. 8085 that adopts a budget** for the City of Boulder, Colorado, for the **fiscal year** commencing on the first day **of January 2016** and ending on the last day of December 2016, and setting forth details in relation thereto; and
3. Introduction, **first reading**, and consideration of a motion to order published by title only **Ordinance No. 8086** that establishes the **2015 City of Boulder property tax mill levies** which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2016 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
4. Introduction, **first reading**, and consideration of a motion to order published by title only **Ordinance No. 8087 that appropriates money to defray expenses and liabilities** of the City of Boulder, Colorado, for the **2016** fiscal year of the

City of Boulder, commencing on the first day of January 2016, and ending on the last day of December 2016, and setting forth details in relation thereto; and

5. Introduction, **first reading**, and consideration of a motion to order published by title only **Ordinance No. 8088** that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 **changing certain fees**, and setting forth details in relation thereto

B. Request for Council approval of a proposed lease of 26 acres of city land, including three city buildings to the Colorado Chautauqua Association

C. Second reading and consideration of a motion to adopt the **following ordinances** related to the annexation and initial zoning of the properties identified **as 1385 Cherryvale Rd., 1548 Old Tale Rd. and 5955 Baseline Rd.:**

i. **Ordinance No. 8079 (West Portion of 1385 Cherryvale Rd.)**
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Mark and Tara Burkley

ii. **Ordinance No. 8078 (East Portion of 1385 Cherryvale Rd.)**
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Mark and Tara Burkley

iii. **Ordinance No. 8076 (1548 Old Tale Rd.)**
Proposed Zoning: Residential-Rural 2
Applicant/Owner: Porsche Elaine Young Revocable Trust

iv. **Ordinance No. 8077 (5955 Baseline Rd.)**
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Patton and Claire Lochridge

6. MATTERS FROM THE CITY MANAGER

A. Update on **Comparative Site Analysis** related to a **Potential CU Hotel/Conference Center**

Due to the size of this file, this item has been posted separately and is available by accessing the following link: https://bouldercolorado.gov/links/fetch/27167

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MEMBERS OF COUNCIL

A. Potential Call-Ups

2. **Vacation of 364 sq ft** portion of **a 60 ft easement at 3295 Longwood**
3. **S'Park, 3390 Valmont Rd; 9085, 3155, 3195 Bluff St Site & Use Review**
4. **Neighborhood Parking Program** expansion of **Whittier, West Pearl & Mapleton zones** and creation of **New NPP/Aurora**

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 Opportunity for Council to discuss how the meeting was conducted-5 min

12. ADJOURNMENT

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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 PROCEEDINGS
Thursday, February 26, 2015

1. **CALL TO ORDER AND ROLL CALL**
Mayor Appelbaum called the February 26, 2015 Special City Council meeting to order at 6:06 PM in Council Chambers.

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

2. PUBLIC HEARINGS

A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8028 AMENDING THE BUILDING HEIGHT REGULATIONS AND REQUIREMENTS OF TITLE 9, "LAND USE CODE" B.R.C. 1981 FOR CERTAIN AREAS OF THE CITY.

Presentation of this item was provided by Executive Director of Community Sustainability and Planning David Driskell.

Members from the City Planning Board were asked to present the different perspectives from that Board at the meeting on February 19 where it made a recommendation to the City Council on a split vote.

The Public Hearing was opened:

1. John Price – Spoke to quality of life in Boulder – supported limits to building heights.
2. Ruth Wright – Spoke in support of height limitations—urged council to remove the vested rights section of the Planning Board's proposal.
3. Richard Polk –Supported the staff recommendation and opposed the Planning Board recommendation.
4. Jane Angulo – Asked why the proposed ordinance wasn't intended to slow growth—Supported the Planning Board recommendation.
5. John Koval – Spoke as private citizen—supported the City's process and respected City investments.
6. Susan Demis – Also a private citizen. Raised concern about the process and lack of opportunity for the board and commission members to weigh in on the Planning Board's ideas.
7. Christian Gosnell – Opposed both proposals that were brought forward. Supported taking more time to let other measures like Form Based Code move forward first.
8. Zane Selvans – Opposed the Planning Board's recommendation, but supported staff's recommendation.
9. Jordon Mann – Opposed a moratorium of structures above 35 feet. Maintained that a blanket ban was not a sound direction.

10. Clif Harald – Chair of the Boulder Economic Council – Opposed the proposal. Noted that unintended consequences would surface.
11. Angelique Espinoza – Public Affairs Director for the Chamber of Commerce; Opposed; spoke to the importance of livelihood in Boulder.
12. Lois LaCroix – resident since 1965 – Disagreed that tall buildings were needed to be economically viable. Supported the Planning Board's Recommendation.
13. Kimman Harmon – Strongly supported the Planning Board's recommendation. Was opposed to any exemptions.
14. Bill Holicky –Spoke to the importance of Boulder Junction to allow the special aspects that drew people to Boulder—Was in favor of maintaining Boulder's youthful and innovative nature.
15. Jessica Yates – Chair of Boulder Chamber Advisory Board. Encouraged Council to keep open discussion with the public through the BVCP. Opposed the two-year moratorium proposal.
16. Richard Foy – Chair of DBI –Opposed the proposed height limitation ordinance. Maintained that height limitations made Boulder more expensive and exclusive.
17. Dan Powers – Urged Council to reconsider the height limitation ordinance and noted the unintended consequences were vast.
18. Monique Cole – Hill resident. Opposed to a moratorium.
19. Lisa Nelson – Opposed to putting height limitations on the Hill. Urged Council to grant an exemption for the Hill.
20. Phil Shull – Urged moving forward with the Form Based Code. Opposed to the Planning Board's height exemptions.
21. Levi Jette – Spoke to the number of young residents that couldn't afford to live in Boulder. Was in favor of building height growth.
22. Greg Wilkerson – Supported a moratorium, but urged Council to take a poll of the community to find out what the community really wanted.
23. Andy Schultheiss – On behalf of Open Boulder – Opposed the Planning Board recommendation. Considered it unnecessary on several levels.
24. Andy Greenwood – Represented Macerich, owner of 29th Street. Asked that 29th Street be exempt from moratorium regulations.
25. Kate Honea – Senior Marketing Manager of 29th Street. Spoke to the importance of 29th Street being exempt from any moratorium.
26. Kim Campbell – Senior property manager for 29th Street, noted that it is an economic engine for Boulder and should be exempt from a moratorium.
27. Marc Painter – On behalf of Macerich – Urged that 29th street be exempt from a moratorium and noted unintended consequences of the established height limit.
28. Butch Hollister – Reve property owner. Spoke to the benefits of the project. Encouraged Council to not place restrictions on it.
29. Darryl Brown – Boulder Community Health rep. requested properties in the Riverbend Area be exempt from a moratorium.
30. Stacy Goldfarb – Supported a moratorium.

31. Ruth Blackmore – Supported changing building regulations to make housing affordable.
32. Lincoln Miller- Opposed the Planning Board recommendation – Supported the staff recommendation. Boulder Junction most valid exemption to make sure the transit proposal works.
33. Michael Bosma – Represented the Mapleton Hill ownership group. Spoke to the negative impacts of the proposed ordinance.
34. Cosima Krueger-Cunningham – Supported a moratorium and claimed the public had not truly been heard.
35. David Vollmar – Noted there was incomprehensive data on public opinion surrounding this issue.
36. Amanda Rubino—Advocated for additional parking and anchor usage to benefit economic growth on The Hill. Requested that The Hill be exempt from the moratorium.
37. Alex Hyde-Wright- Advocated for an inclusive Boulder and opposed both proposed ordinances.
38. Tim Doumey—Opposed the Planning Board's proposal.
39. George Kasynski—Supported the Planning Boards recommendation.
40. Jennifer Farmer—Moved to Boulder for the mountain views and supported the Planning Board's proposal.
41. Cheryl Liguori—Spoke as a 23 year business operator for The Hill. Advocated for drawing in the whole community and opposed the height restriction.
42. Sandra Snyder—Spoke in favor of the Planning Board's height restriction. Rejected that affordable housing and controlled growth need to be at odds with each other.
43. Shelley Dunbar—Spoke as a business owner—wanted to create an open space park around her business. Concerned that a Moratorium would include her newly purchased office building in Flat Irons Office Park. She ran out of time, but Council acknowledged receiving her email.
44. Stephen Haydel—Supported Planning Board recommendation. Was afraid of the consequences of what would happen without it.
45. Sean Maher—Executive Director of Downtown Boulder Inc. Noted many historic buildings exceed the height limit, defining Boulder's character. Urged council to adopt the staff recommendation.
46. Eric Budd—Opposed a city-wide height limit and rejected the Planning Board proposal.
47. Mark Ely—Supported Planning Board recommendation.
48. Brian Buckley—Business owner on The Hill—Asked for a height exemption.
49. Sue Prant—Asked council not to support the staff recommendations, only a moratorium. Concerned about Boulder Junction.
50. Lisa Harris—Proposed community working together to define the desired type of growth and supported the Planning Board.
51. Alan Boles—Considered City development an epidemic. Supported a moratorium.

52. Jill Marce—Questioned the benefit of building height exemptions.
53. Jerry Shapins—Enjoyed Boulder's changes over years and stated Council was on the right track.
54. Bennett Scharf—Urged Council to support a moratorium.
55. Will Toor—Asked Council to reject the Planning Board's proposal. Maintained that there wasn't adequate public process.
56. Helen Thurman—Asked Council to approve the Planning Board's proposal. Opposed Boulder becoming an urban environment.
57. Ken Farmer—Asked that a height cap be put in place with no exemptions as otherwise residents would suffer.
58. Steve Pomerance—Agreed with Ken Farmer and noted that the data from current studies were not accurate and that other issues should take priority.
59. Michael Gervasi—Supported a moratorium with no exemptions whatsoever.
60. Mike Marsh—Maintained that urbanism would hurt affordable housing, make Boulder more expensive, and force out local business.
61. Ed Byrne—Supported staff's recommendation.
62. Rebecca Shoag—20 year resident. Feared the potential of Boulder growing too much which would downgrade the quality of life.
63. Jan Trussell—Believed the City has catered to building developers which negatively affected the quality of life. Supported the Planning Board's recommendation for a moratorium.
64. Ron DePugh—Criticized the site-review process—Supported height ordinance as long as it included the Planning Board's recommendation with no exemptions while updating the BVCP in the meantime.
65. Jon Kotke—Asked Council to remember Frasier Meadows and hoped it would be exempt from height restrictions.
66. Andy Bush—Asked Council not to consider the Planning Board's proposal as he believed it was put together hastily.
67. Judy Renfroe—50 year resident. Supported the moratorium. Believed there were too many exemptions that encouraged growth.
68. Mark Orlband—Opposed to height restrictions.
69. David Ensign—Supported building exemptions and believed the moratorium was unproductive.
70. Eli Feldman—Requested that all of Boulder Junction be exempt from the proposed ordinance.
71. Mark Heinritz—Requested limiting building heights on The Hill at this time.
72. Jyotnsa Raj—Supported a Moratorium.
73. Rishi Raj—Supported a Moratorium.
74. John Putnam—Opposed a Moratorium. Believed it would do harm.
75. Bob Sutherland—Requested that Boulder Junction be exempt from the proposed ordinance.
76. Dick Harris—Supported the Planning Board's proposal and opposed exemptions.
77. Margaret Carson—Supported the ordinance without exemption.

78. Catherine Dolson-Laframboise—Supported the ordinance, but wanted exemptions to be considered one at a time in an in-depth manner.
79. George Laframboise—Supported the ordinance without exemptions due to the need to protect the mountain view.
80. Harris Faberman—Supported a moratorium without the Planning Board's recommendation. Supported exemption of the Reve project.
81. Dorothy Cohen—Supported the Planning Board proposal. Believed too many exemptions had been given.
82. Mark Settle—Opposed the proposed ordinance due to its negative impacts. Believed Boulder was a difficult place to start a family.
83. John Tayer—CEO of Boulder Chamber of Commerce. Opposed to the Planning Board's proposal. Believed it would hinder workforce diversification.
84. Lynn Segal—Noted the community had polarized beliefs on the issue and that Boulder needed a slow growth ordinance.
85. Ben Binder—Noted the potential for future public safety issues with regard to transportation. Supported the Moratorium and believed it was a good place to begin controlling such problems.
86. Adrian Sopher—Urged Council to do a first reading of the moratorium if the ordinance is passed.

There being no further speakers the public hearing was closed.

Mayor Appelbaum moved, seconded by Council Member Morzel to suspend the rules and continue the meeting. The motion carried 9-0. The vote was taken at 10:38 PM.

Mayor Appelbaum suggested Council Members identify their starting points and concerns. He supported a more thorough approach to analyzing the situation before making a decision.

Council Member Cowles believed the ordinance needed to be edited. He maintained that if buildings didn't exceed the height limit they would occupy more open space and public space. That would be worse. He supported the Reve as an exemption.

Mayor Pro Tem Suzanne Jones supported encouraging growth on The Hill.

Mayor Appelbaum moved, seconded by Council Member Weaver to accept the staff recommendation for Ordinance No. 8028. The motion carried 9-0 at 10:50 PM.

Through discussion the following friendly amendments were made and accepted by Mayor Appelbaum and Council Member Weaver.

- A friendly amendment to include the Reve as being exempt from the Ordinance.

- A friendly amendment to move areas (buildings) into exemption as Council moves through the FBC process and exclude downtown area from exemption.
- A friendly amendment to exclude only South of Canyon from exemption as opposed to Downtown in its entirety.

Council Member Cowles stated that South of Canyon should be subject to a moratorium.

Council Member George Karakehian supported excluding South of Canyon from exemption.

Mayor Appelbaum said the established "change to the friendly amendment was to exclude the exemption for the downtown." Friendly amendment was accepted. 11:38 PM

Council Member Shoemaker proposed exempting the Hill in its entirety.

Mayor Appelbaum clarified that was already in the proposal.

Council Member Morzel supported keeping buildings between 35-38 feet in the North Boulder (Armory) district and noted that this should be an expectation.

Council Member Shoemaker was opposed to killing potential projects that were already in a process to be submitted without their knowledge.

Council Member Plass supported "taking out everything but the armory" 5:58:00 (This was very unclear to me. Note that he was in favor of the following amendment.)

Council Member Weaver proposed taking all of North Boulder out of ordinance except for armory assuming conditions could be put into legislation.

Mayor Appelbaum called a vote to see what Council Members were in favor of allowing the friendly amendment "to delete the exemption of North Boulder and keep the exemption for the specific boundaries of the Armory District." The vote carried 7-2. Council Members Young and Morzel opposed. The vote was taken at 12:10 AM.

Council Member Cowles stated Gunbarrel should be considered and kept in the ordinance in appendix J.

Council Members Karakehian and Shoemaker expressed support for this.

Staff suggested the boundaries of what is allowed to be exempt be Walnut on the North, Arapahoe on the South, 28th on the West, and 30th on the East. Their hope is

that their review criteria will replace the need for this boundary by the moratorium's end.

Mayor Appelbaum said "ok, we'll make that a friendly amendment as well." 6:13:44 (Needs language.)

Mayor Appelbaum wanted to revise Boulder Valley Comprehensive Plan.

There were no issues raised with Appendixes B or C of section 2 of the proposed Ordinance No. 8028.

Council Member Cowles supported changing Appendix D to reduce the needed percentage of affordable housing to make a building exempt from the moratorium. so that if 40% of units will be permanently affordable then the building will be exempt from the height moratorium.

Council Members Shoemaker and Young agreed.

Mayor Appelbaum and Mayor Pro Tem Jones supported 50% of units to be permanently affordable.

40% became est. friendly amendment to D. 12:19 AM

Mayor Pro Tem Jones maintained that they should be careful about how much is able to be exempt.

Everyone ok with adding publicly zoned portion of Arapahoe campus onto the established map of exemptions. 6:38:00-6:40:00 (This amendment arrived through conversation. David Gehr asked and clarified. There was not a vote.)

Staff made mention that Developing FBC and BVCP would clarify what direction Council would be moving.

Council Member Weaver suggested looking at neighborhoods with edges that hadn't been considered in a long time.

Mayor Appelbaum urged staff to watch to see if buildings went up in a concerning way to let Council know.

<u>Mayor Appelbaum moved, seconded by Council Member Weaver, to approve Ordinance No. 8028 amending the building height regulations and requirements of Title 9, "Land Use Code" B.R.C. 1981 for certain areas of the city as amended by the buff colored handout prepared by the City Attorney. Vote carried 8:1, Council Member Morzel opposed at 1:10 AM.</u>

3. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on February 27, 2015 at 1:06 AM.

Approved this 6th day of October, 2015.

APPROVED BY:

_____

Matthew Appelbaum
Mayor

ATTEST:

_____

Alisa D. Lewis,
City Clerk

THE CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
April 7, 2015

1. **CALL TO ORDER AND ROLL CALL**
Mayor Pro Tem Jones called the April 7, 2015 City Council meeting to order at 6:03 PM in Council Chambers.

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

A. **Boulder Day of Remembrance of the Armenian Genocide**

Council Member Karakehian introduced and presented this declaration.

Council Member Weaver moved, seconded by Council Member Morzel, to approve the amended agenda adding to item 3I calling of a special meeting on May 28, moving Item 7C to become Item 3J and pulling item 8B. The motion carried 8:0 with Mayor Appelbaum absent.

2. **OPEN COMMENT** and **COUNCIL/STAFF RESPONSE** (Limited to 45 minutes.)
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.

1) Brett KenCairn – Resident of Orchard Grove spoke to the issues with the Mobile Home park owners in Boulder.
2) Zane Selvins –Spoke in support of Cooperative Housing in Boulder.
3) Jean Gehring – Spoke to state law regarding Mobile Home parks, noting it needs to be enforced.
4) Sam Alschuler - Resident of Orchard Grove just down from Vista Village – informed council that HUD code prevented newer homes from being moved into Vista Village as the park did not meet electric capacity for the new mobile homes.
5) Mary Louise Chavers – Asked Council to expand the occupancy limit ordinance to allow more than three unrelated adults in a residence.
6) Amy Sonnanstin – Resident of Vista Village also spoke to restrictions placed on owners preventing them from selling their homes in Vista Village and supports the mobile home ordinance.
7) Julie Van Domel – Introduced herself as the new Executive Director of EFFA – noted that the average EFFA household makes $13,000 per year and lives in Boulder. She looked forward to working in partnership with the City of Boulder.
8) Bonnie Garland – Vista Village resident also expressing concerns about the poor treatment from the park owners.
9) Elizabeth Allen – Mobile home owner in Vista Village ready to move on but now informed that she cannot sell it. Asked Council for help from the harassment from of the park owners.

10) Robert McHugh – Vista Village resident. Shared his story of poor treatment from the park owners.
11) Rob Smoke – Spoke to the collective self-esteem of the community and the harm being done from the lack of help provided to the homeless population in Boulder.
12) Semsa Gradascevi – Immigrant from Bosnia who is a resident of Vista Village and although not looking to move fears her right to sell her home in the future.
13) Stephann Rohr – Vista Village resident voiced concerned about the denial from the park owners the home owners and asked Council to take action to support the ordinance for the home owners.
14) Mark Robbins – Expressed outrage that the laws currently in place are not being enforced leaving the only avenue to mobile home owners is to hire an attorney and file a lawsuit. Please direct the city attorney to take action to enforce the laws on the books.
15) Geoff Herden – Vista Village resident shared a similar story of his inability to sell his mobile home.
16) Christina Gosnel – Resident of Martin Acres urged Council to take action to approve cooperative housing. Affordability is not an option in Boulder and cooperative housing is the only means for most to stay in Boulder.
17) Darren O'Connor – Spoke to the Police Professional Review Panel standards. Wanted to remind Council of the Right to Rest Act goes before Legislature in about a week and will make it legal to sleep in public parks.
18) Mary Lou Stenger - Vista Village resident whose only asset is her mobile home. She was devastated to learn that she cannot sell her home.
19) Jerry Allen – Urged council to do the right thing and find a way to help the mobile home owners in Boulder.
20) Tanya Petty – Spoke to the fear of retaliation from management after the action of Council to help force the removal of the fence. The mobile homeowners now need the City's help once again.
21) Cedar Barstow – Spoke to occupancy ordinance, noting she had been working to get this changed since 1996. Offered some changes that might be considered.
22) Madeline Gross – CU student living in Martin Acres in an illegal living situation without any knowledge. She would like more opportunities for students to live outside legal situations since they are a big percentage of renters.
23) Jordon Mann – Spoke to sustainability in Boulder, energy, economic and social. Urged change to occupancy limits in Boulder.
24) Kevin Cook - Resident of Vista Village spoke to the bullying tactics of the park owners. Urged Council to take action and protect the residents from Harvey Miller.
25) Mary Schwaba – Spoke to the police log noting that calls are not being captured by the police department and encouraged studying other police departments to see what they are doing right.
26) Martha Campbell - Spoke in favor of landmarking 747 12th Street.
27) Geneva Reichert – Resident of 740 12th Street spoke in favor of landmarking the home at 747 12th Street.
28) Neshama Abraham - Co-founder of the Nomad Co-Housing Community – spoke in support of council action to approve cooperative housing in Boulder outside of the few that are currently allowed.
29) Michele Lee – A resident at the Steele Yards, also spoke to cooperative housing who is involved in the Aging in Place group.

30) Eric Scharrer – Former Assistant manager at Vista Village who was terminated and will be homeless in two days expressing the need to come forward with the with same story.
31) Adrian Sopher – Informed council that he was available to answer questions about item 3G.
32) Sam Callahan – Student who lives in over occupied situation noting that students cannot find affordable housing any other way. Advocated for a change in the occupancy laws in Boulder.

Council response:
Council clarified that there was not an ordinance on the agenda that evening addressing mobile homes. The Council was being asked to provide direction on potential next steps. A study session had been scheduled in September regarding mobile home parks.

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 MINUTES OF THE DECEMBER 2, 2014 CITY COUNCIL MEETING**

B. **CONSIDERATION OF A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 12, 2015 SPECIAL CITY COUNCIL MEETING**

C. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE FEB. 24, 2015 STUDY SESSION SUMMARY ON THE 2014 TRANSPORTATION MASTER PLAN IMPLEMENTATION SIX-MONTH UPDATE**

D. **CONSIDERATION OF A MOTION TO APPROVE RESOLUTION NO. 1158 DECLARING THE CITY OF BOULDER'S OFFICIAL INTENT TO PARTICIPATE IN A FUTURE ISSUANCE OF A STORMWATER AND FLOOD MANAGEMENT REVENUE BONDS AND TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES UNDERTAKEN IN ADVANCE OF SUCH FINANCING MADE FROM THE STORMWATER FUND, INCLUDING, WITHOUT LIMITATION, ARCHITECTURAL, ENGINEERING, APPRAISAL, SURVEYING, ACQUISITION, SITE PREPARATION AND OTHER COSTS INCIDENTAL TO THE COMMENCEMENT OF CONSTRUCTION OF THE FINANCED PROJECT.**

E. **FOURTH READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8028 AMENDING THE BUILDING HEIGHT REGULATIONS AND REQUIREMENTS OF TITLE 9, "LAND USE CODE" B.R.C. 1981 FOR CERTAIN AREAS OF THE CITY**

F. **INTRODUCTION, FIRST READING, AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8040 AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO ALLOW MEDICAL OR DENTAL CLINICS OR OFFICES AND ADDICTION RECOVERY FACILITIES AS A CONDITIONAL USE IN THE INDUSTRIAL GENERAL (IG) ZONING DISTRICT NEAR BOULDER COMMUNITY HEALTH (BCH), FOOTHILLS CAMPUS**

G. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8041 TO REZONE THE PROPERTY LOCATED AT 1900 FOLSOM STREET, FROM BUSINESS TRANSITIONAL – 2 TO BUSINESS REGIONAL – 1, CONSISTENT WITH THE BOULDER VALLEY COMPREHENSIVE PLAN LAND USE DESIGNATION OF GENERAL BUSINESS**

H. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 8042, AMENDING CHAPTER 6-4, B.R.C. 1981, TO CREATE CONSISTENCY WITH THE LEGISLATIVE INTENT IN ADOPTING ORDINANCE NO. 8015, RELATED TO EXPANSION OF SMOKE FREE AREAS, BY AMENDING SECTIONS 6-4-3.5, 6-4-6, AND 6-4-7, AND SETTING FORTH RELATED DETAILS**

I. **CONSIDERATION OF A MOTION TO CALL A SPECIAL CITY COUNCIL MEETING ON TUESDAY, APRIL 14, FOLLOWING THE REGULARLY SCHEDULED STUDY SESSION, TO CLOSE THE PUBLIC HEARING ON 747 12TH STREET LANDMARKING AND CALL A SPECIAL CITY COUNCIL MEETING ON MAY 28 TO SCHEDULE 747 12TH STREET**

J. **CONSIDERATION OF A MOTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT OF A CLAIM FOR DAMAGES, INJURIES, AND MEDICAL COSTS OF BYRON AND KATHY WEST**

Council Member Cowles moved, seconded by Council Member Weaver to approve Consent Agenda items 3A through 3J. The motion carried 8:0, with Mayor Appelbaum absent. Vote was taken at 7:42 PM.

4. POTENTIAL CALL UP CHECK IN

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

5. PUBLIC HEARINGS

A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8032 GRANTING A 10-YEAR FRANCHISE TO COMCAST OF COLORADO IV, LLC; APPROVING A 10-YEAR CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF BOULDER AND COMCAST OF COLORADO IV, LLC; AND AUTHORIZING THE CITY MANAGER TO SIGN ALL AGREEMENTS ATTENDANT THERETO

Presentation on this item was provided by Policy Advisor Carl Castillo and Communications Director Patrick von Keyserling.

John Layman, Director of Government and Regulatory Affairs at Comcast, also addressed council and answered questions.

Council Member Karakehian stated that the customer service questionnaire contained numbers that left a lot of room for improvement and customer service still seemed to be a problem. Mr. Layman said the company was very aware of that concern and was taking action. An executive had been appointed to focus solely on customer service. The number one goal of 2015 was customer service.

Council Member Cowles asked about compatible modems that customers can buy instead of renting from Comcast. Mr. Layman did not have that information in front of him but would provide that information to Council.

Council Member Weaver also voiced concern from the community about prices and rate increases. Mr. Layman stated that Comcast was always looking for the best way to meet the needs of customers at the best price while trying to improve products and speed. He indicated that Comcast did have an Internet Essentials program for low income households.

Council Member Morzel asked how people could find out about the Internet Essentials program if they didn't have internet access. Mr. Layman said they were working with the BVSD and the superintendent and school boards but were looking for any other ways to communicate it to the community. Council Member Morzel indicated that she would be contacting him.

There being no speakers the public hearing was closed.

Council Member Morzel moved, seconded by Council Member Weaver, to adopt Ordinance No. 8032 granting a 10-year franchise to Comcast of Colorado IV, LLC; approving a 10-year cable television franchise agreement between the City of Boulder and Comcast of Colorado IV, LLC in substantially the form included as an attachment to the ordinance (Attachment B); and authorizing the city manager to sign all agreements attendant thereto. Provided, however, that the City Manger shall not sign any agreement unless Comcast has previously executed the franchise agreement in substantially the form attached to the ordinance. The motion carried, 8:0 at 8:03 PM. Mayor Appelbaum was absent.

B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT AND ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8038 ALLOWING FOR PRODUCTION AND SALE OF CERTAIN FOODS IN RESIDENTIAL ZONE DISTRICTS, AMENDING SECTION 9-6-3(E) "SPECIFIC USE STANDARDS – RESIDENTIAL USES"; AMENDING SECTION 9-9-21 "SIGNS" AND ADDING A NEW CHAPTER 6-17 "COTTAGE FOODS AND FRESH PRODUCE"

Presentation on this item was provided by City Attorney Tom Carr and Policy Advisor Carl Castillo.

Gina Bear from the Boulder County Department of Health was available to answer questions.

Council Member Young asked why the city wouldn't just use state law. City Attorney Carr stated it was because the city was including fresh produce. Carl Castillo clarified that the products need to be grown on the property but option E recognizes that some products need to be outside of the locally grown and processed.

Council Member Morzel asked about size use restrictions on the garden. Does this restrict someone who just likes gardens for their own use. She also asked for clarification on signage.

Council Member Shoemaker asked if someone can sell their products through a local market or just on their property. He asked for clarification on what the city ordinance covers and what the state law covers and wanted clarity on whether it or not it precludes selling off site. He also asked about the possibility of a sunset provision. He asked about community gardens restrictions and if this was similar.

Council Member Weaver asked about clarifying the ordinance language regarding home occupation sales.

Council Member Shoemaker asked for clarification on manure, water conveyance, irrigation, mechanized vehicles, maintenance, trash/compost, and setbacks.

Gina Bear says the County supports local agriculture and local foods. The County does have concerns on impact on staff related to complaints. She asked that it be enforced like any other ordinance through code enforcement and then if there is a public health issue it will be brought to the County.

The public hearing was opened:

1) Elizabeth Black – Asked for support of option D and to amend 16-17-2 (b) to read cottage foods shall be limited to products listed on the state cottage foods list.
2) Chris Brown – Thanked council for moving this along so quickly. Agreed that it should be simple and easy to implement. Agreed with following along with the Denver Cottage Food ordinance. Urged changing the restriction of the size of gardens noting that in his case his house is only 1000 square feet.
3) Jessica Beacom – Also raised concern about limiting the size of gardens, noting that it wasn't realistic that people are going to convert their whole yards to gardens. Asked for support of Option D to bolster local food movement.
4) Mitch Smith – He has concerns about sub-section 1(a) of home occupation ordinance that talks to being conducted in the building and must be by home occupant. He asked that this be split in half. In favor of rulemaking but put it in the home occupation itself to be consistent and fair. Also need a lower burden of proof. There are issues with timing and whether some businesses are seasonal.

There being no further speakers public hearing was closed.

<u>Council Member Cowles moved, seconded by Plass to approve Ordinance No. 8038 allowing for production and sale of certain foods in residential zone districts, amending Section 9-6-3(e) "Specific Use Standards – Residential Uses"; amending Section 9-9-21 "Signs" and adding a new Chapter 6-17 "Cottage Foods and Fresh Produce" as amended by the following:</u>

To include Option D and language prepared by the city attorney in 6-17-2 (b) that reads, " Cottage foods products offered for sale shall be limited to those foods indentified in the Colorado Cottage Foods Act, C.R.S. 25-4-1614, which are processed on the premises."

The motion carried 8:0 at 9:14 PM. Mayor Appelbaum absent.

6. MATTERS FROM CITY MANAGER

A. CONSIDERATION OF A MOTION TO REVISE THE CITY OF BOULDER'S 2015 STATE AND FEDERAL LEGISLATIVE AGENDA

Presentation of this item was provided by Policy Advisor Carl Castillo.

The city's lobbyists reviewed what was happening at the legislature. The budget was moving through fairly uneventfully, the one outstanding issue was TABOR refunds. Another dominant issue being addressed was standardized testing in K-12 schools. Bi-partisan packages that address workforce development and police reforms were also being considered.

Working on issues on behalf of the City of Boulder that would negatively impact the city. Working to kill bill that would take away authority of local governments to employ red light cameras and speed vans. Suggest that the Homeless Bill of Rights does not deal with underlying homeless issues. Quite year on water issues. Engaged in a series of bills to tackle energy issues. On the offensive side working to update the Pesticide Applicator Act. Outside of bills, took Heather Bailey around to give updates to legislative leaders and Governor's office on activity around municipalization. Also planning a police day at the Capitol on the 22nd to give a taste of what it's like down there.

Council Member Plass asked about the Office of Consumer Council. Adam explained it is going through the sunset review. There was a bill to extend the office but there has been no action. It does not have an advocate group so most of the push is by those that want to get rid of it. There is a sense that it will eventually move but they don't know.

Pro Tem Mayor Jones asked about the Public Land Seizure Bill. Mr. Castillo informed council that the bill was still sitting in Senate committee. The Senate had serious questions raised and there was a question about whether they want to pass it out onto the floor.

Council Member Weaver asked about the prognosis regarding police bills, especially body camera issues. It is unclear at that time regarding what might happen.

Council Member Morzel asked about TIF. She disclosed that she spoke with Speaker Hullinghorst regarding this issue and wanted to support his efforts.

Council Member Weaver suggested waiting until the TIF bill came out and then taking a closer look at it before adopting a final position. Council Members Cowles and Karakehian agreed.

Council Member Karakehian asked if the bill might be killed. Staff stated it was a top priority for the Speaker so it's chances in the State House was very strong and it had a good chance of passing in the Senate.

Council Member Morzel moved, seconded by Council Member Weaver, to approve revisions to the City of Boulder's 2015 State and Federal Legislative Agenda as reflected in Attachment A of the staff memo. The motion carried at 9:54 PM. Mayor Appelbaum absent.

B. DIRECTION ON DRAFT RESOLUTION NO. 1159 CONCERNING THE USE OF NEONICOTINOID PESTICIDES IN THE CITY OF BOULDER, INCLUDING ANALYSIS AND PRELIMINARY OPTIONS

Presentation of this item was provided by Rella Abernathy, Integrated Pest Management Coordinator and Kathleen Alexander, City Forester.

Council Member Morzel asked if retail labeling would apply to all greenhouses. Ms. Abernathy said there would be language about disclosure.

Council Member Plass asked if the University of Colorado, as a large landowner, had been contacted and what kind of response did staff receive? Ms. Abernathy indicated that CU had made a commitment to be pesticide free by 2016. Ms. Alexander added that CU planned to treat for Emerald Ash Borer but not with neonicotinoids.

Council Member Cowles noted that the City was lucky to have such great foresters. He asked what the dots on trees meant. Ms. Alexander explained the evaluation and identification of trees that were worthy of preservation.

Pro Tem Mayor Jones asked how information/education is available. Ms. Abernathy responded that the City didn't have the resources to work with all the stores but they are working with Bee Safe Boulder and the Sierra Club to promote different programs.

Council Member Young asked that they include growing gardens in their outreach.

Council provided feedback to staff for the resolution that would be coming back for consideration.

C. CONSIDERATION OF A MOTION TO APPROVE A WORK PLAN IN SUPPORT OF CITY COUNCIL'S REQUEST FOR FURTHER RESEARCH AND INFORMATION TO GUIDE FUTURE DECISIONS IN SUPPORT OF THE CITY'S COMMITMENT TO A SAFE AND WELCOMING COMMUNITY. 10:19 PM

City Manager Brautigam provided the presentation on this item.

Council Member Weaver asked what the City Manager's vision was of public engagement. City Manager Brautigam suggested that the reports be brought forward at a study session or under Matters from the City Manager and then she would seek Council's direction on what kind of public input would be appropriate.

Council Member Cowles urged staff to pay special attention to qualifications of the group working on the issue. He didn't want it to be just retired police officers, it needed to have a balance with community members.

Council Member Young asked for clarification on the Human Relations Commission's role.

Council Members Morzel and Weaver thanked the City Manager and supported Council Member Cowles views on the makeup and balance of the committee.

Pro Tem Mayor Jones stated that it is important to have a inclusive, equitable, welcoming community and supported having the Human Relations Commission think about that on broader level.

Council Member Weaver moved, seconded by Council Member Young, to approve a work plan in support of City Council's request for further research and information to guide future decisions in support of the city's commitment to a safe and welcoming community. The motion carried at 10:31 PM.

7. MATTERS FROM CITY ATTORNEY

A. REQUEST FOR COUNCIL DIRECTION REGARDING ASSISTANCE TO MOBILE HOME OWNERS IN BOULDER - 10:37 PM

City Attorney Carr provided the presentation on this item.

After discussion the council agreed that this issue would be addressed at a study session in September. The council also voiced support for Option 1 as presented in the agenda item.

Council Member Morzel expressed that the most effective thing to do at that point was to create a fund so support legal representation for mobile home owners to fight eviction and harassment.

Council Member Weaver pointed out that this would not help people who want to sell their homes.

Council Member Karakehian asked the City Manager and City Attorney if they were comfortable using outside council. City Attorney Carr indicated he would support using outside counsel.

Council Member Shoemaker asked City Attorney Carr to bring Council an ordinance with different options for them to review and approve.

Council agreed that the housing strategy process needed to be done and that a fund needed to be set up for legal counsel.

B. **REQUEST FOR COUNCIL TO SCHEDULE AN EXECUTIVE SESSION**

The purpose of the executive session would be for Council to provide direction and feedback on the PUC application. Council agreed to notify the City Clerk about their schedules.

8. **MATTERS FROM MAYOR AND MEMBERS**

A. POTENTIAL CALL UPS

1. Potential call-up for the vacation of a utility easement at 950 Gilbert Street.

   No action was taken on this issue.

B. REQUEST FROM THE BOARDS AND COMMISSIONS SUBCOMMITTEE TO BE ALLOWED TO ATTEND BOARD AND COMMISSION MEETINGS AND RETREATS

Council Member Weaver moved seconded by Council Member Karakehian to authorize the Boards and Commissions subcommittee to attend other commission meetings and retreats.

9. **PUBLIC COMMENT ON MATTERS** (15 min.)
Public comment on any motions made under Matters. - None

10. **FINAL DECISIONS ON MATTERS**

Vote was taken on the motion to revise the City of Boulder's 2015 State and Federal Legislative Agenda. The motion carried 8:0 with Mayor Appelbaum absent. The vote was taken at.11:21 PM.

Vote was taken on the motion to approve a work plan in support of City Council's request for further research and information to guide future decisions in support of the city's commitment to a safe and welcoming community. The motion carried 8:0 with Mayor Appelbaum absent. The vote was taken at.11:21 PM.

Vote was taken on the motion to allow the Board and Commission subcommittee to attend other commission meetings in 2015. The motion carried 8:0 with Mayor Appelbaum absent. The vote was taken at.11:22 PM.

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

12. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on April 7, 2015 at 11:22 PM.

Approved this 6th day of October , 2015.

APPROVED BY:

_____
Matthew Appelbaum
Mayor

ATTEST:

_____
Alisa D. Lewis,
City Clerk

CITY COUNCIL PROCEEDINGS
CITY OF BOULDER
March 17, 2015

1. **CALL TO ORDER AND ROLL CALL**
Mayor Appelbaum called the March 17, 2015 Regular City Council meeting to order at 6:04 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Cowles, Jones, Karakehian, Morzel, Plass, Weaver and Young. Council Member Shoemaker arrived at 6:20 PM.

Mayor Appelbaum moved, seconded by Council Member Weaver, to amend the agenda by the addition of items 3I, 8C, and 8D. The motion carried 8:0 with Council Member Shoemaker absent. The vote was taken at 6:08 PM.

A. **STAND UP FOR TRANSPORTATION DAY DECLARATION**

Mayor Appelbaum presented this declaration to Go Boulder Manager Kathleen Bracke.

2. **OPEN COMMENT** and **COUNCIL/STAFF RESPONSE** (Limited to 45 minutes.)
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.
    1) Darren O'Connor – Spoke to para-military approach by City Police Department, asked that the Professional Standards Review Panel become a really independent oversight group and empower the Human Relations Commission to take community input on what the review panel looks like, what they do and how their judgements are enforced.
    2) Cynthia Beard - Urged Human Relations Commission to address racial profiling by Boulder Police Department. Has lack of confidence and asked for Human Relations Commission to serve as the professional oversight committee for police department.
    3) Jerry Allen – Mobile home park legislation has been killed twice at the state level. Asked Council to create a city ordinance to prohibit predatory leasing by mobile home park owners.
    4) Derrick Jones – Spoke to racism and lack of diversity in Boulder and the need to acknowledge and address it before it becomes a bigger issue.
    5) Jen Watson – 22 year resident who had actively worked on issues of diversity and respect in the Boulder community. Had a wonderful meeting with Chief Testa last week but his testimony before the Human Relations Commission last evening was troubling. Wants to empower Human Relations Commission to take task to oversite with the police department and to collaborate with community organizations, the police department and the DA's office and make policy change recommendations.

6) Stephann Rohr – Resident of Vista Village agreed with comments from Jerry Allen and also asked that the city work on this.
7) Jean Gehring – Also spoke to issues of concern in Vista Village. Has been informed that she cannot sell her home after making substantial improvements and wants this to change.
8) Rick Mahan – Representing the South Boulder Creek Action Group. Thanks Council for hearing them and expressed that they are working with staff and other entities as suggested by Council.
9) Kathie Joyner – Also spoke as member of the South Boulder Creek Action Group. She noted that public health and safety are of concern and asked that Council direct staff to provide focus on that issue as well.
10) Elizabeth Black – Spoke to the Cottage Foods ordinance. She recommended passing with one change, add standard C in regards to gardens. Drafted a good neighbor tips list.
11) Elicia Arwen – Expressed concern about racial profiling by the Boulder Police Department and requested a stronger, more equitable review panel that allows citizens more oversight.
12) Rob Smoke – Washington D.C. voted to end homelessness by the end of 2016. Boulder has a 10 year plan that has been ongoing for 30 years. Wants to know when is something going to be done.
13) Melissa Clymer – Old Tale Road annexation, needed to drop out of the process because the fee was cost prohibitive. Thanked staff for its work and urged Council to consider waiving a portion of the fees.
14) Terry Murphy – Voiced support for the appointment of Tom Issacson to the Open Space Board.
15) Stephen Haydel - Goss Grove resident interested in having more of a voice in development issues impacting their neighborhood and has concerns about the transient population.
16) Jeremy Bold – Spoke to racism in Boulder. It is real and needs to be addressed in Boulder. Asked the Council to allow the Human Relations Commission to act as the Professional Standards Committee for the police department.
17) Gary Rolande – Indicated that he was a racist. Spoke to an incident that took place in Boulder and of the testimony of the police chief at the Human Relations Commission meeting.
18) Michael Fitzgerald – Also spoke to police activities and strongly urged consideration of a bill of rights for homelessness.
19) Madeline Wessel – Massage Specialists have encountered problems from drug users and transients who occupy an area behind their building. This is not a homeless problem but a crime problem. Asked for attention to this area.
20) Andy Bush – Formally withdrew his name from consideration for the BJAB board.

Staff Response: – 7:00 PM
City Manager Brautigam– Thanked the people that came to speak at the Human Relations Commission meeting the previous evening. She encouraged Council to provide direction regarding the role the Human Relations Commission should play.

City Attorney Carr – Clarified that mobile homes built before 1971 must meet higher standards. People own the homes but not the ground they sit on. Power to address the issue is limited by state law and the power lies within the language in the lease.

Regarding the Cottage Foods ordinance – his direction was to create something that could be put in place quickly as a pilot then see how it goes. He noted he could bring back language to amend on second reading.

Council Member Morzel – Asked the City Manager to review the professional standards group, who oversees them, and how they were evaluated.

City Manager Brautigam – Explained that the committee had 12 members - 6 were police officers appointed by Police Department and 6 were appointed by the City Manager. Applicants from the public are interviewed and appointed by City Manager. Most of those currently serving are lawyers or related to the justice system. The Police Department has a professional standards sergeant who handles officer misconduct complaints and provides reports to City Manager.

Council Member Young addressed the people that had attended the Human Relations Commission meeting and discussed the "Belonging Revolution" and community outreach that the Longmont Police Department is doing. She met with Chief Testa who wants to create and participate in these walk-abouts along with Council Members Young and Jones. She also noted that if Jen Watson and her group would like to organize a bigger meeting she, Council Member Jones and Chief Testa would be interested in attending.

Staff clarified that Council could ask that the Human Relations Commission provide a report/recommendation and that CAC schedule a discussion under Matters to review when possible but sooner rather than later.

Council Member Plass thanked City Attorney Carr for the work on the mobile home park issues and asked that a variety of options come back on the cottage foods ordinance at second reading.

Council Member Cowles – Discussed that Boulder has worked with the state legislature in the past on increasing rights of mobile home park tenants. There will be three state legislators at the community house at Chautauqua on Saturday, March 21st at 10:00 a.m. to have an open house/town hall meeting. This has been an issue in other towns in Colorado.

Council Member Morzel noted that she spoke to Rollie Heath and it was probably too late for this year's agenda since it was so late but the city should work on developing proposed legislation for next year.

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 ACCEPT THE FEBRUARY 24, 2015 STUDY SESSION SUMMARY ON THE ENVISION EAST ARAPAHOE PROJECT**

B. **CONSIDERATION OF A MOTION TO ACCEPT THE JANUARY 27, 2015 STUDY SESSION SUMMARY ON BOULDER'S ENERGY FUTURE**

C. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8028 AMENDING THE BUILDING HEIGHT REGULATIONS AND REQUIREMENTS OF TITLE 9, "LAND USE CODE" B.R.C. 1981 FOR CERTAIN AREAS OF THE CITY**

Council Member Cowles had thought that downtown would only be included until the Downtown Design Guidelines were revised and adopted.

Council Member Morzel asked if it needed to go to fourth reading or if it should to be passed by emergency.

City Attorney Carr suggested it go to a fourth reading.

Council Member Weaver asked how the guidelines would be approved.

Executive Director of Community Planning and Sustainability David Driskell clarified that the final adoption of the Downtown Design Guidelines would be by City Council

Mayor Appelbaum said that the change in wording and changing it to section 4 should be fine.

Council Member Cowles reiterated that the language needed to include "North of Canyon and within DT 4 and DT 5."

D. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO.8035 AMENDING SECTION 4-20-68, "FLOOD RELATED FEE WAIVER," B.R.C. 1981, TO EXTEND TEMPORARY AUTHORITY TO WAIVE CERTAIN FEES TO FACILITATE RECOVERY AND REPAIR WORK RESULTING FROM FLOOD IMPACTS AND AMENDING SECTION 9-10-2 "CONTINUATION OR RESTORATION OF NONCONFORMING USES AND NONSTANDARD BUILDINGS, STRUCTURES, AND LOTS," B.R.C., 1981, TO EXTEND THE TIME TO RESUME USES AND RESTORE BUILDINGS AFFECTED BY THE SEPTEMBER 2013 FLOOD**

E. **CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO THE ANNEXATION OF THE OLD TALE ROAD NEIGHBORHOOD AND RIGHT-OF-WAY:**

1. RESOLUTION NO. 1157 FINDING THE ANNEXATION PETITION IN COMPLIANCE WITH STATE STATUTES AND ESTABLISHING APR. 21, 2015, AS THE DATE FOR A PUBLIC HEARING;

2. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, ORDINANCE NO. 8039 RELATED TO THE ANNEXATION AND INITIAL ZONING OF 20 PROPERTIES AND RIGHT-OF-WAY TOTALING 22.40

ACRES IN THE OLD TALE ROAD NEIGHBORHOOD WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL-RURAL 2 (RR-2).

APPLICANTS/OWNERS:
1165 OLD TALE RD., MACINKO EXEMPT TRUST
1193 OLD TALE RD., CYNTHIA AND CHARLES ANDERSON
1228 OLD TALE RD., STEVEN ERICKSON
1245 OLD TALE RD., HAROLD AND SHERLYNNE BRUFF
1270 OLD TALE RD., JEFFREY AND WENDY MORTNER
1275 OLD TALE RD., THOMAS AND BARBARA CORSON
1305 OLD TALE RD., MONTY MORAN
1315 OLD TALE RD., JOANNE M SIMENSON
1325 OLD TALE RD., SARAH KINGDOM
1402 OLD TALE RD., KELLIE MASTERSON-PRAEGER
1409 OLD TALE RD., WILLIAM DICK III
1412 OLD TALE RD., JOHN AND PENELOPE BENNETT
1435 OLD TALE RD., JOYCE PETERSON THURMER
1436 OLD TALE RD., THOMAS PERRY
1457 OLD TALE RD., CAMERON BRADLEY PETERSON
1483 OLD TALE RD., JASON AND JENNIFER KIEFER
1507 OLD TALE RD., RICHARD AND JEANIE LEDDON
1510 OLD TALE RD., MARK AND MARY BETH VELLEQUETTE
1533 OLD TALE RD., LAURIE DUNCAN-MCWETHY
1566 OLD TALE RD., STEWART AND ROBIN ELLIOTT

F. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8036 DESIGNATING THE BUILDING AND PROPERTY AT 977 7TH ST., TO BE KNOWN AS THE KRUEGER-CUNNINGHAM PROPERTY, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION ORDINANCE.**

OWNER/APPLICANT: JANELLE C. KRUEGER & COSIMA KRUEGER-CUNNINGHAM

G. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8037 DESIGNATING THE BUILDING AND PROPERTY AT 1029 BROADWAY, TO BE KNOWN AS THE EVANS SCHOLARS HOUSE, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION ORDINANCE.**

OWNER/APPLICANT: EVANS SCHOLAR PROGRAM

H. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 8038 ALLOWING FOR PRODUCTION AND SALE OF CERTAIN FOODS IN RESIDENTIAL ZONE DISTRICTS, AMENDING SECTION 9-6-3(E) "SPECIFIC USE STANDARDS – RESIDENTIAL USES"; AMENDING SECTION 9-9-21 "SIGNS" AND ADDING A NEW CHAPTER 6-17 "COTTAGE FOODS AND FRESH PRODUCE"**

I. **CONSIDERATION OF A MOTION TO CALL SPECIAL CITY COUNCIL MEETINGS ON MARCH 30 AND APRIL 1 AT 5 PM FOR THE PURPOSE OF ALLOWING SITE VISITS AS PART OF THE QUASI JUDICIAL HEARING FOR THE LANDMARKING OF 474 12TH STREET.**

Council Member Weaver moved, seconded by Council Member Young to approve the Consent agenda items 3A through 3I with 3C as amended by the errata sheet from the City Attorney.

Council Member Cowles offered a friendly amendment to Item 3C as presented on the Lime colored handout, to include "North of Canyon and within DT 4 and DT 5".

After discussion the friendly amendment was accepted by the maker and second of the motion.

Vote was taken on the motion to approve the Consent agenda items 3A through 3I with 3C as amended The motion carried 9:0 at 7:40 pm.

4. **POTENTIAL CALL UP CHECK IN**

Interest in discussing items 8A-1-4 was expressed by Council.

5. PUBLIC HEARINGS

A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8033 APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE 2015 BUDGET. 7:42 PM.

Presentation of this item was provided by Budget Director Peggy Bunzli.

There being no speakers the public hearing was closed.

Council Member Cowles moved, seconded by Council Member Jones to adopt Ordinance No. 8033 approving supplemental appropriations to the 2015 Budget. The motion carried 9:0 at 8:13 PM.

B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8034 AMENDING THE CAPITAL FACILITIES IMPACT FEE IN SECTION 4-20-62, "AND CHAPTER 8–9, B.R.C. 1981 BY THE ADDITION OF A NEW AFFORDABLE HOUSING LINKAGE FEE ON NON-RESIDENTIAL DEVELOPMENT, AND SETTING FORTH RELATED DETAILS.

Presentation of this item was provided by Deputy Director of Community Planning and Sustainability Susan Richstone.

The Public Hearing was opened:

1) Clif Harald – Economic Development Director of the Chamber of Commerce. Urged exemption of linkage fees for projects close to

completion in the development process. Modify July deadline and recognize financial impacts on projects that have already finalized funding. Recommend flexible timelines for different projects.

2) Francoise Poinsette - Applauded efforts to address affordable housing. Minimum parking fee does not adequately meet needs. Did not support one fix for all, different approaches need to be looked at.
3) Andrew Bush – Process has not been inclusive and people did not come because they do not believe Council wants to hear them. There is fear of retribution from developers. Suggested that implementation be similar to that in Boston with a 5 – 7 year payment option. There should be exceptions for highly sustainable projects. Need to look at appropriate, incremental implementation. Also urged careful consideration of the trigger.
4) Angelique Espinoza – Public Affairs Director, Boulder Chamber of Commerce. The Chamber's position is that a linkage fee should be part of a comprehensive effort not ad hoc. There needs to be a definition of what it means for growth to pay its own way. This new fee should not be applied to applicants that are already well into the process.
5) Bill Holicky – Has developed hundreds of affordable housing units. This concept has failed at the ballot box three times. Growth does pay its way. Commercial linkage fee does need to be looked at but other tools need to be included such as head tax, property transfer tax and sales tax. Implementation also needs to be looked at.
6) Lynn Segal – Doesn't want to pay any more taxes. Commercial needs to pay its own way. Job/housing balance must be resolved.
7) Kevin Foltz – Pearl Place Office complex manager at 30th and Pearl. 25% fee was not expected nor budgeted for and this would apply to many projects in the queue. Suggested a 6 month window.

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

Council Member Weaver suggested a platform for phasing in the fees. Council asked staff to recommend changes on the phasing in process and what should be the trigger to make it equitable.

Council Member Weaver moved, seconded by Council Member Morzel to continue the hearing so that staff could prepare updates and modifications to the proposed Ordinance No. 8034 amending the capital facilities impact fee in Section 4-20-62, and Chapter 8–9, B.R.C. 1981 by the addition of a new affordable housing linkage fee on non-residential development. The motion carried 9:0 at 10:33 p.m.

6. **MATTERS FROM CITY MANAGER - none**

7. **MATTERS FROM CITY ATTORNEY – none**

8. **MATTERS FROM MAYOR AND MEMBERS 10:36 p.m.**

A. Potential Call Ups

1. **KNAPP SUBDIVISION FINAL PLAT APPLICATION NO. TEC2013-00057: FINAL PLAT TO SUBDIVIDE ONE 0.5-ACRE DEVELOPED LOT AT 3050 15TH ST. IN THE RL-1 ZONE DISTRICT TO CREATE 2 NEW RESIDENTIAL LOTS: LOT 1 (9,605 S.F.) AND LOT 2 (12,176 S.F.). LOT 1 WILL CONTAIN AN EXISTING SINGLE FAMILY HOME.**

   No action was taken on this item.

2. **SITE AND USE REVIEW APPLICATION, NO. LUR2014-00057 TO CONSTRUCT ONE NEW 2,850 SQUARE FOOT, SINGLE STORY BANK OF AMERICA BUILDING WITH A DRIVE THRU FACILITY ON THE PAD SITE AT 1965 28TH ST. THE PROPOSAL ALSO INCLUDES IMPROVEMENTS TO THE EXISTING PARKING AREA SERVING THE PAD SITE AS WELL TO THE PARKING AREA ADJACENT TO THE HAZELS LIQUOR STORE. THE PROJECT SITE IS ZONED BUSINESS – REGIONAL 1 (BR-1).**

   No action was taken on this item.

3. **CONCEPT PLAN REVIEW 1900 FOLSOM (LUR2014-00085)**

   No action was taken on this item

4. **USE REVIEW FOR A 3,509 SQUARE FOOT TAVERN WITH AN OUTDOOR PATIO, WHICH WILL NOT EXCEED 712 SQUARE FEET IN AREA, AT 921 PEARL STREET (LUR2014-00081). PROPOSED HOURS OF OPERATION ARE 9 A.M. TO 12:00 A.M. SUNDAY THROUGH THURSDAY AND 9 A.M. TO 2 A.M. FRIDAY AND SATURDAY**

   No action was taken on this item.

B. 2015 Annual Boards and Commissions Appointments

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

<u>Art Commission</u>

Nominations were opened:

Council Member Jones nominated Tamil Maldonado Vega. Council Member Jones said Tamil brought a lot of enthusiasm and knowledge. She had done a lot of work in the Caribbean and would bring a cultural perspective that would be interesting and had great ideas about inclusivity and engaging other populations in art.

<u>There being no further nominations, Tamil Maldonado Vega was appointed to a five-year term by acclamation.</u>

Boulder Design Advisory Board

Nominations were opened:

Council Member Morzel nominated Jim Baily. She said he was very accomplished and had a lot of experience that would contribute to urban design.

Council Member Weaver nominated David McInerney. He liked the way that Mr. McInerney talked about the design issues because he's a landscape architect and had a context oriented approach.

Council Member Shoemaker nominated Hans Cerny. Mr. Cerny was an architect, very design-oriented, thoughtful and had fresh ideas.

Mayor Appelbaum indicated he would vote for Jim Baily in the first round and Hans Cerny in the second round.

Council Member Cowles supported Jim Baily rather than Mr. McInerney because there was already one very good landscape architect on the board.

Nominations were closed.

Jim Baily was appointed to the first slot by unanimous vote of 9:0.

Council Member Cowles expressed a desire to reopen the second vacancy on the Boulder Design Advisory Committee. Vote was taken on reopening the vacancy, the request failed 6:3 with Council Members Appelbaum, Jones, Plass, Shoemaker, Weaver and Young opposed.

Nominations were reopened.
Council Member Weaver nominated David McInerney.
Council Member Shoemaker nominated Hans Cerny.

Vote was taken. Hans Cerney received 4 votes – Council Members Appelbaum, Karakehian, Shoemaker, Cowles in favor.

David McInerney received 5 votes – Council Members Weaver, Jones, Young, Plass and Morzel in favor. David McInerney was appointed to the second seat.

Council Member Morzel moved, seconded by Council Member Weaver to appoint Jim Baily to the 5 year term and David McInerney to the 3 year term. The vote carried 9:0.

Boulder Junction Access District – Parking Commission

Nominations were opened:

Council Member Weaver suggested that since there were so many good applicants that different people be appointed to the two different Boulder Junction boards.

Council Member Jones asked how the meetings were done. Council Member Morzel clarified that the meetings run sequentially.

Council Member Morzel spoke to candidate Catherine Hunziker who was unable to attend the interview. She had a good application and was a resident of Boulder Junction.

Council Member Weaver nominated Thomas Wells. He expressed that Mr. Well's comments about managing parking were interesting and he would be good fit for the board.

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

Boulder Junction Access District – Travel Demand Management

Nominations were opened:

Council Member Cowles nominated Alex Hyde-Wright. Mr. Hyde-Wright, a transportation planner in Boulder County, had a lot of experience and a particular interest in zero increase in neighborhood traffic volumes in the vicinity of Boulder Junction.

Council Member Morzel nominated Catherine Hunziker. She lives in Boulder Junction which is important and Boulder Junction Board Member Susan Osborne thought she would be a great addition.

There being no further nominations, Alex Hyde-Wright was appointed to a 5-year term by unanimous vote.

Beverages Licensing Authority

Nominations were opened:

Council Member Shoemaker nominated Tim McMurray whose term was expiring. He has known Mr. McMurray for several years; noted he was one of the owners of Mountain Sun/Southern Sun. He was very knowledgeable about BLA matters and had a good relationship with the rest of the board.

Council Member Weaver nominated Matthew Califano. Thanked Mr. McMurray for his 14 years on the BLA but thought that it's time for new blood and liked Mr. Califano's answers and that he works at CU.

There being no further nominations, Matthew Califano was appointed to a five-year term with a 6:3 vote, Council Members Karakehian, Weaver and Plass dissenting.

Board of Zoning Adjustment

Nominations were opened:

Council Member Cowles nominated Jill Grano. She is very spirited and knowledgeable and will be a good addition to the board.

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

Boulder Urban Renewal Authority - (Mayoral Appointment)

Mayor Appelbaum appointed Dan Powers to the five-year term.

Colorado Chautauqua Association

Nominations were opened:

Council Member Plass nominated Tom Thorpe. Mr. Thorpe had been on the board before, was a good representative and his interview responses were first rate.

There being no further nominations, Tom Thorpe was appointed to a three-year term by acclamation.

Downtown Management Commission

Nominations were opened:

Council Member Karakehian nominated Eli Feldman. He was a very active property owner which would be a plus for that board.

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

Environmental Advisory Board

Nominations were opened:

Council Members Young nominated Karen Crofton. Council Member Young thought her original answers to the questions were remarkable and that she would bring a great perspective.

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

Housing Authority – (Mayoral Appointment)

This is a mayoral appointment but Mayor Appelbaum had been able to attend the interviews. He had read the applications and thought there were very good applicants. He asked Council Members for input on the best course of action.

Council Member Shoemaker stated that Dan Hassan was an excellent candidate who worked at the Bridge House but thought Valerie Soraci should be re-appointed. He was impressed with her as she was a unique board member, a single mother who uses the Boulder Housing Partners Affordable Housing program. Dan's strengths were on the financial side, a lot of this board's focus was on outreach to the actual residents. He also noted that here could be a conflict of interest with him working at Bridge House and being on the Housing Authority. Lastly he noted that Authority Member Angela McCormick supported the appointment of Valerie Soraci.

Council Member Morzel was impressed with Dan Hassan and Valerie Soraci. She agreed that having a resident on the board was important. She also brought up the Bridge House/Housing Authority issue with Dan. She expressed that he would know if a conflict came up he would need to recuse himself. Someone who was creative and could deal with the financial issues associated with affordable housing was a priority at that time. She supported appointing Dan.

Council Member Karakehian really liked Valerie Soraci and what she would add to the board. He also noted how important this was to her. She was a very special person doing a very good job and should be given an opportunity to have another five years.

Council Member Weaver liked both applicants for reasons stated by others. He supported Dan Hassan.

Council Member Plass supported Valerie Soraci.

Council Member Cowles supported Dan Hassan.

Council Member Young would support Dan Hassan.

Council Member Jones thinks they are both fine candidates.

Mayor Appelbaum re-appointed Valerie Soraci to a five-year term.

Council encouraged Dan Hassan to re-apply in 2016.

Human Relations Commission

Nominations were opened:

Council Member Jones nominated Nikhil Mankekar. He currently brings a lot of thoughtfulness to the board and has a unique experience as a native

Boulderite who is also a Sikh and has experienced some discrimination and has been actively involved in inclusivity.

Council Member Morzel pointed out that Mr. Mankekar was involved in the Human Relations Commission even before he was on the board.

Council Member Cowles said Nikhil Mankekar was a very impressive guy that speaks truth to power. He had intervened in issues before he was a member of the HRC.

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

Landmarks Board

Nominations were opened:

Council Member Plass nominated Jonathan Hayden.

There being no further nominations, Jonathan Hayden was appointed by acclamation to a five year term.

Library Commission

Nominations were opened:

Council Member Plass nominated Tim O'Shea.

Council Member Weaver said Joel Koenig gave a very good interview and has done a lot of volunteer work at the library.

Mayor Appelbaum talked about Joel Koenig's large amount of volunteer work but Tim O'Shea was pretty phenomenal in his application and interview and his understanding of issues that libraries will face in the future.

Council Member Cowles said Joel Koenig was a very strong candidate. Tim O'Shea has a Masters in Information Services from Syracuse and he conversant in the way in which libraries are changing through access to information and becoming nodes of information.

There being no further nominations, Tim O'Shea was appointed by acclamation.

Open Space Board of Trustees

Nominations were opened:

Council Member Weaver nominated Curt Brown. He was impressed with his knowledge of Open Space, his resume is impressive and he is very active user of open space. His nomination would bring new blood to the board.

Council Member Shoemaker nominated Tom Isaacson. There are quite a few issues this year with Open Space and Tom has more institutional knowledge of the Open Space Board and past issues. He is fair and has a proven track record with this board. All his comments on Tom are from his experience with him, not on the interviews since he missed those. He did call and interview Curt and would make an excellent candidate next year.

Council Member Morzel nominated Karen Hollwig. She has spent many years involved with Open Space and is a scientist and works on science education. She has an impressive resume. She is somebody that can talk to both sides, she would be a balanced board member, and she would do well with outreach and would be a consensus builder.

Council Member Jones says that we have an embarrassment of riches in respect to the applicants but what the board needs is continuity and the person to be appointed needs to be, and perceived to be, neutral, fair-minded and experienced. She is going to support Tom Isaacson because of the tricky times ahead.

Council Member Plass met with Curt Brown and Karen Hollweg and both were impressive candidates. Given the situation and flux he supports Tom Isaacson.

Council Member Cowles agreed with what Council Members Shoemaker and Plass about Tom Isaacson. It is important to have that experience and continuity at this particular time. He wants to get away from appointing people to this board of people that are strongly associated with particular advocacy groups. One of Tom's strengths is that he has earned the respect of the people that came before the board.

There being no further nominations, Tom Isaacson was appointed to a five-year term with a 6:3 vote; Council Members Weaver, Young and Morzel voting for Curt Brown.

Planning Board

Nominations were opened:

Council Member Plass nominated Bryan Bowen. Bryan has done a fine job and did really well in his interview. He had taken over Council Member Plass's term on the Planning Board and did well in that position.

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

Parks and Recreation Advisory Board

Nominations were opened:

Council Member Jones nominated Valerie Yates. Valerie enthusiasm and knowledge of the issues was head and shoulders above the other candidates.

Council Member Morzel nominated Jennifer Kovarik. This is her first time to apply, she works with the County for tobacco prevention and helped to advise the City on the smoking ordinance and is a daily user of the parks. She is a trained scientist and would be great and enthusiastic.

There being no further nominations, Valerie Yates and Jennifer Kovarik were appointed to five-year terms by acclamation.

Transportation Advisory Board

Nominations were opened:

Council Member Young nominated Tila Duhaime. Thought her application was great and she called and spoke to her. Ms. Duhaime's application statements about the transportation needs of very young, the very poor and the very old resonated with her which is why she is nominating Ms. Duhaime.

Council Member Weaver nominated Bill Rigler. Mr. Rigler's focus on marketing stood out to him, he was an advocate for changing people's behavior, his Naropa connections.

Council Member Morzel nominated Eric Gordon. Stated that Mr. Rigler brings a different perspective than what is currently on that board. Mr. Gordon uses all modes and thinks Boulder can lead the US. Wants more attention to safety for cyclists and pedestrians. He thinks we need to be careful of being overly regressive in regards to fuel tax, co-registration fees may be more fair.

Council Member Shoemaker said there were two applicants that stood out to him. Tila Duhaime has an incredible amount of cycling related experience in particular with respect to traffic issues and is highly regarded amongst the cycling advocacy community. Bill Rigler brings a strong political skillset and networking ability.

Mayor Appelbaum thought both Mr. Rigler and Mr. Gordon had good written materials, really good interviews. He's looking for someone that is not tied to a particular mode or solution and looking for someone that thinks that transit and regional approaches are a big part of the solution. And someone that recognizes that a lot of people are going to drive because we don't have good alternatives.

Council Member Cowles agreed with Mayor Appelbaum and with what Council Member Weaver said about Mr. Rigler. He hoped Mr. Rigler would bring a new perspective to the board.

There being no further nominations, Bill Rigler was appointed to a five-year term by a vote of 6:2:1, with Council Member Young voting for Tila Duhaime, Council Members Appelbaum and Plass voting for Eric Gordon.

University Hill Commercial Area Management Commission

Nominations were opened:

Council Member Shoemaker nominated Lisa Nelson. From her interview she is a neighbor on the Hill that is interested in the Hill reinvestment strategy and will work well with the team.

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

Water Resources Advisory Board

Nominations were opened:

Council Member Weaver nominated Ed Clancy. Had not met Mr. Clancy before but has been on WRAB for 2 years. He has a background in environmental engineering and has detailed thoughts about what needs to be addressed and gave thoughtful answers on lining sewer pipes.

Council Member Morzel nominated Michael Barnes. He did a great interview and brought a lot of experience to the board and would encourage him to apply next year.

There being no further nominations, Ed Clancy was appointed to a five-year term; vote 9:0.

Mayor Appelbaum moved, seconded by Council Member Weaver, to ratify the Board and Commission appointments.

C. Discussion of First Reading Questions

Given the hour there was no discussion.

D. Mayor's update on **RTD's proposed schedules and fares for US36 BRT**

Mayor Appelbaum commented that he had sent a memo and put it on Hotline. There had been a meeting with RTD staff the previous Friday, a public hearing on Monday and another one was coming up on April 6th (which he could not attend) to talk about the fare structure. He stressed that it was very important – the decisions

on schedules and fares would have huge implications on the success of the US 36 BRT and it would have huge implications and set the stage for the costing on eco-passes and what would happen with arterial BRT in the future. It would be the framework for the next 5-10 years.

The Mayor also pointed out that he would be going with the US 36 Coalition to Washington D.C. for the yearly lobbying trip. This would provide an opportunity for the Coalition to talk about some of these issues. They would also connect with other partners, the business community, CU because they pay for eco-passes, and with the County. He also noted that they had a good meeting with staff but he didn't know if they would change their recommendation to the board. He asked for official approval for staff to write a letter from Council to the RTD board of directors listing Boulder's concerns. He urged his colleagues to contact board members and show up at board meetings. His hope was that by the time he returns from D.C. the Coalition would have formulated a really good strategy.

Council Member Cowles stated that at the RTD meeting the previous night David Cook commented that RTD needd to come up with more money for this corridor. He suggested that they ask staff to create a layer that has RTD board districts and the city and county jurisdictions and then look at everyone that has regional connections and business people and target individual RTD board members with the request for fairness.

Mayor Appelbaum said they had a good set of requirements for getting the schedules right, they were detailed and there was flexibility in the schedules. But they couldn't reduce services for various people and they couldn't cut other service on the grounds that they are increasing some fast track service. They hadn't done that anywhere else in the region and they shouldn't do it here.

Kathleen Bracke, Eco Boulder Manager informed the council that the Mayor and Commissioners Coalition memo had comments on each of the service areas and their recommendations. It is consistent from all of the cities. Mayor Appelbaum thought the letter was a little weak regarding the fare structure, noting that the Coalition partners were very clear and direct. That needed to be changed in the letter.

Mayor Appelbaum asked Council Members to attend the public hearing on rates if they were able to and make their voices heard. It would be on April 6th at 6 PM at the Boulder Library.

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Council Member Karkehian informed council that he had prepared a declaration regarding the 100th anniversary of the Armenian Genocide that was coming up on April 24th. He requested that council allow him to read it at the April 7th meeting.

*****

Council Member Young stated that linkage fees next steps needed to be discussed at the next meeting. Mayor Appelbaum suggested that CAC would need to schedule it when most appropriate. City Manager Brautigam indicated she would look into it.

9. **PUBLIC COMMENT ON MATTERS** (15 min.)

There being no speakers, Public Comment was closed at 12:29 AM.

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

Vote was taken on the motion to ratify the Board and Commission appointments. The motion carried 9:0 at 12:29 AM.

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

12. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on March 18, 2015 at 12:29 A.M

Approved this 6th day of October, 2015.

APPROVED BY:

_____
Matthew Appelbaum
Mayor

ATTEST:

_____
Alisa D. Lewis,
City Clerk

CITY OF BOULDER
CITY COUNCIL PROCEEDINGS
August 18, 2015

1. CALL TO ORDER AND ROLL CALL

Mayor Appelbaum called the regular August 18, 2015 City Council meeting to order at 6:03 PM in Council Chambers.

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

A. DECLARATION IN SUPPORT OF BOULDER'S CITYLINKS CLIMATE ADAPTATION PARTNERSHIP WITH SHIMLA, INDIA

This declaration was presented to the delegation from Shimla, India by Mayor Appelbaum.

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.

1. Stacey Goldfarb urged Council to use the language submitted by the Initiative petitioners and not to take a position in opposition.
2. Dave Morrison opposed the "right sizing" pilot program on Folsom and the potential extension of that project further into the city.
3. Ruth Blackmore, a member of the Livable Boulder Committee, urged Council to approve the ballot title language submitted by the Committee.
4. Jill Marce voiced that 5600 registered electors agreed with the language contained in the initiated charter petitions. She opposed council using tax payer dollars to oppose the petitions.
5. Gregory Wilkerson, expressed his belief that the extreme level of controversy started with the beginning of Boulder Junction that was not referred to the voters.
6. Mike Marsh wanted Council to accept ballot language of the petitions and reject a Nod of Five to support a resolution in opposition to the initiated measures.
7. Jenny Devaud supported the petitioner's language for the ballot title.
8. Stephen Haydel, voiced that he was a petitioner in support of the redlined ballot language.
9. John Tayer, from the Boulder Chamber of Commerce, spoke to the destructive nature of the initiative measures. He said that it caused pitting neighbors against one another and further divided the community. He asked council to support the Nod of Five in opposition to the initiative.
10. Angelique Espinoza felt that there was a community divided and the role of council should be to speak the truth as Council Members concerning the initiatives that will be on the November ballot.

11. Dan Powers, Director of Boulder Tomorrow, urged council to take an official position in opposition to the initiated measures.
12. Bob Morehouse spoke about why he loves Boulder, and wanted to be a part of the vibrant and outspoken community members. He was very disappointed that the petitions come from a place of extreme distrust and prevents the community from working to together for the benefit of the whole.
13. Sean Maher, Director of DBI spoke in support of Council taking a position of opposition to the initiated measures which undermine basic democracy.
14. Sue Prant urged council opposition to the two initiated ballot measures.
15. Margaret Lloyd, wanted council to let the voters decide on the ballot measures.
16. Cindy Carlisle, a member of the Committee of Petitioners asked that council approve the language submitted.
17. Darren O'Connor spoke to the Right to Rest Act and the recent court ruling. He asked council and the HRC to participate in the discussion.
18. Taber Ward asked council to utilize Open Space for local farmers to increase production of local foods.
19. Erin King spoke to the need for additional lands for local farmers' use.
20. Steve Pomerance urged use of the revised version for the ballot title and noted he did not think the council's role was to change it.
21. Kimman Harmon thanked council for all they do and wanted the voters to be able to choose whether or not the initiatives will pass or fail.
22. Don Cote, a resident of Boulder, was concerned about the distrust that the initiatives caused in the first place and wants council to live up to the trust that was placed in them.
23. Gwen Dooley, one of the petitioners, worked with the attorney and wanted the correct language to represent the intent of the initiative.
24. Ryan Foote spoke about utilizing Open Space lands for future farmers in the production of local foods.
25. Rob Smoke wanted council to leave the initiative language alone. He also spoke to the Department of Justice's position regarding the Right to Rest Act as cruel and unnecessary punishment.
26. Jennifer Farmer asked council to recognize the importance of the initiative process and allow the people to decide on the merit of the measures and not oppose the initiatives.
27. Lance Woody shared quotations regarding service and wants civil rights for homeless persons and spoke to the injustice of life and political ramifications.
28. Kathleen Adair was opposed to a Nod of Five which would oppose the citizen's initiatives and urged council to use that language submitted by the petitioners. She wanted the public to vote and have public debate.
29. Lynn Segal supported the ballot measures addressed by others.
30. Mary Eberle supported the language submitted by those who carried the petitions. She noted that the change in language felt sneaky and feeds the distrust of the community.

Staff Response: City Attorney Carr explained the petition process and clarified that setting the ballot titles is a responsibility of Council.

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 MINUTES FOR THE FEBRUARY 17, 2015 CITY COUNCIL REGULAR MEETING**

   B. **CONSIDERATION OF A MOTION TO APPROVE THE MINUTES FOR THE AUGUST 4, 2015 CITY COUNCIL REGULAR MEETING**

   C. **CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A 20-YEAR WATER LEASE AGREEMENT WITH THE UNIVERSITY OF COLORADO**

   D. **CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO SIGN THE UPDATED OFFICE OF EMERGENCY MANAGEMENT AGREEMENT BETWEEN THE CITY OF BOULDER, COLORADO AND THE COUNTY OF BOULDER, COLORADO**

   E. **CONSIDERATION OF A MOTION TO APPROVE RESOLUTION NO. 1164 CONCERNING THE PROPOSED CITY OF BOULDER (ACTING THROUGH ITS WATER UTILITY ENTERPRISE AND ITS WASTEWATER UTILITY ENTERPRISE) WATER AND SEWER REVENUE BONDS, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $10,500,000, AUTHORIZING THE NOTICE OF BOND SALE WITH RESPECT TO SAID SERIES 2015 BONDS; PRESCRIBING CERTAIN DETAILS CONCERNING SAID PROPOSED SALE AND SAID SERIES 2015 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. 1165 DECLARING THE CITY OF BOULDER'S OFFICIAL INTENT TO PARTICIPATE IN A FUTURE ISSUANCE OF BONDS OR CERTIFICATES OF PARTICIPATION AND TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES UNDERTAKEN IN ADVANCE OF SUCH FINANCING IN CONNECTION WITH THE ACQUISITION OF THE BOULDER COMMUNITY HEALTH BROADWAY CAMPUS**

   G. **SECOND READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, ORDINANCE NO. 8060 VACATING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION TO VACATE A PORTION OF A SIDEWALK EASEMENT AT 2460 IRIS AVENUE**

   H. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8061 APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE STORM WATER AND FLOOD MANAGEMENT REVENUE BONDS, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF $23,317,855, FOR THE PURPOSE OF PROVIDING FUNDS FOR STORM WATER AND FLOOD MANAGEMENT IMPROVEMENTS AND FOR THE COSTS OF ISSUANCE OF THE SERIES 2015 BONDS**

I. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8063 APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE 2015 BUDGET

J. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8066 REPEALING AND REENACTING SECTION 4-1-8 "INSURANCE REQUIRED," B.R.C. 1981, TO UPDATE INSURANCE REQUIREMENTS UNDER THE BOULDER REVISED CODE IN RESPONSE TO CHANGES TO THE COLORADO GOVERNMENTAL IMMUNITY ACT AND IN INSURANCE INDUSTRY PRACTICES, AND SETTING FORTH RELATED DETAILS

K. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ADOPT EMERGENCY ORDINANCE NO. 8062 ADOPTING SUPPLEMENT NO. 124, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 8028, 8034, 8038, 8040, 8045, 8049, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS, AS AN AMENDMENT TO THE BOULDER REVISED CODE, 1981

L. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, ORDINANCE NO. 8064 PLACING BEFORE THE VOTERS AT THE NOVEMBER 3, 2015 GENERAL ELECTION A BALLOT MEASURE AMENDING THE BOULDER HOME RULE CHARTER BY ADDING A PROVISION REQUIRING SUBCOMMUNITY PLANNING AND SETTING FORTH RELATED DETAILS

This item was removed from Consent and added as a discussion item under Matters from Council.

M. INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY TWO ORDINANCES NO. 8068 AND 8069, SETTING THE BALLOT TITLES FOR TWO INITIATED AMENDMENT S TO THE BOULDER CHARTER, AND SETTING FORTH RELATED DETAILS

This item was amended by the language proposed by the petitioners.

N. CONSIDERATION OF A MOTION TO CALL A SPECIAL MEETING OF THE BOULDER CITY COUNCIL ON AUGUST 25, 2015 AT 5:30 PM FOR THE PURPOSE OF PHASE I ENVIRONMENT ASSESSMENT OF THE BOULDER COMMUNITY HEALTH IN THE CITY COUNCIL CHAMBERS, 1777 BROADWAY PRIOR TO THE SCHEDULED STUDY SESSION

Council Member Weaver moved, seconded by Council Member Morzel, to approve Consent Agenda Items 3A through 3N with Item 3L amended and Item 3M removed. The vote carried 9:0 at 7:45 PM

4. POTENTIAL CALL-UP CHECK IN

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8A:

1. Call-up Item: **Landmark Alteration Certificate** at **820 Spruce St. in the Mapleton Hill Historic District**

No interest was expressed in calling up this item.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

Note: Any items removed from the Consent Agenda will be considered after any City scheduled Public Hearings.

A. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8058, DESIGNATING THE BUILDING AND PROPERTY AT 2245 PINE ST., TO BE KNOWN AS THE RAVENSCRAFT HOUSE, AS AN INDIVIDUAL LANDMARK UNDER THE CITY'S HISTORIC PRESERVATION ORDINANCE

Presentation on this item was provided by Marcy Cameron Historic Preservation Planner. This was a quasi-judicial hearing. All speakers were sworn in by the City Clerk.

Exparte disclosures by City Council:

Council Member Weaver noted that he lives within a couple blocks but did not have any specific knowledge regarding the house.

There being no speakers the public hearing was closed.

Council Member Morzel moved, seconded by Council Member Plass, to adopt Ordinance No. 8058, designating the building and property at 2245 Pine St., to be known as the Ravenscraft House, as an individual landmark under the city's Historic Preservation Ordinance. The motion carried 9:0 on a roll call vote at 7:56 PM.

B. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8057 SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO CONTINUE THE CLIMATE ACTION PLAN TAX THAT WAS APPROVED BY THE VOTERS IN NOVEMBER 2006 AND IMPLEMENTED BY THE CITY COUNCIL IN CHAPTER 3-12, B.R.C. 1981, CURRENTLY SET TO EXPIRE MARCH 31, 2018, THROUGH MARCH 31, 2023 FOR THE PURPOSES OF IMPLEMENTING PROGRAMS TO INCREASE ENERGY EFFICIENCY, INCREASE RENEWABLE ENERGY USE, REDUCE EMISSION FROM MOTOR VEHICLES, AND TAKE OTHER STEPS TOWARD THE GOAL OF REDUCING GREENHOUSE GAS EMISSIONS; SETTING FORTH THE BALLOT TITLE; AND SETTING FORTH RELATED DETAILS

Presentation on this item was provided by Executive Director of Community Planning and Sustainability David Driskell.

There being no speakers the public hearing was closed.

Council Member Jones moved, seconded by Council Member Weaver, to continue this item to the Council Meeting on September 1, 2015. The motion carried 9:0 at 8:09 PM.

C. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8056 SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015 THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EXTEND THE UTILITY OCCUPATION TAX ON PUBLIC UTILITY COMPANIES THAT DELIVER ENERGY TO CUSTOMERS IN THE FORM OF ELECTRICITY AND GAS THAT WAS PASSED BY THE VOTERS PURSUANT TO ORDINANCE NO. 7751 (AS AMENDED BY ORDINANCE NO. 7808) AT THE RATE $4.1 MILLION DOLLARS, BEGINNING JANUARY 1, 2011 BE EXTENDED FROM DECEMBER 31, 2017 DECEMBER 31, 2022; SETTING FORTH THE BALLOT TITLE; MAKING CONFORMING CHANGES TO THE BOULDER REVISED CODE; AND SETTING FORTH RELATED DETAILS

Presentation for this item was provided by Chief Finance Officer Bob Eichem.

There being no speakers the public hearing was closed.

Council Member Weaver moved, seconded by Council Member Morzel, to continue this item to the Council Meeting on September 1, 2015. The motion carried 9:0 at 8:14 PM.

D. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8055 SETTING THE BALLOT TITLE FOR AN INITIATED AMENDMENT TO THE BOULDER CHARTER, AND SETTING FORTH RELATED DETAILS (LIBRARY)

The presentation on this item was provided by City Attorney Tom Carr.

There being no speakers the public hearing was closed.

Council Member Morzel moved, seconded by Council Member Jones, to approve on second reading Ordinance No. 8055, amended as reflected in attachment C, setting the ballot title for an initiated amendment to the Boulder Home Rule Charter (Library).

E. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8052 SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER, AT THE GENERAL MUNICIPAL COORDINATED ELECTION TO BE HELD ON NOVEMBER 3, 2015, AN AMENDMENT TO THE BOULDER CHARTER

REGARDING CITY COUNCIL COMPENSATION, SETTING THE BALLOT TITLE AND SETTING FORTH RELATED DETAILS

The presentation on this item was provided by City Attorney Tom Carr.

There being no speakers the public hearing was closed.

Mayor Appelbaum moved, seconded by Council Member Weaver, to approve Ordinance No. 8052 submitting to the registered electors of the City of Boulder, at the general municipal coordinated election to be held on November 3, 2015, an amendment to the Boulder Charter regarding City Council compensation, setting the ballot title and setting forth related details as set forth in Attachment A - to add a base amount of $10,000, in addition to the current rate of pay per meeting and to include health insurance benefits at the same rate offered to all city employees. The motion carried 9:0 at 9:23 PM.

6. MATTERS FROM THE CITY MANAGER

A. EMERGENCY DISASTER DECLARATION FOR MAY 2015 – 9:22 PM

Mayor Appelbaum moved, seconded by Council Member Morzel, to accept the Emergency Disaster Declaration for May 2015.

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MEMBERS OF COUNCIL

A. POTENTIAL CALL-UPS- LANDMARK ALTERATION CERTIFICATE TO BUILD A 451 SQ. FT. DETACHED, ONE-CAR GARAGE WITH SECOND-STORY STUDIO AT 820 SPRUCE ST. IN THE MAPLETON HILL HISTORIC DISTRICT, PER SECTION 9- 11-18 OF THE BOULDER REVISED CODE 1981 (HIS2015-00151). THIS LANDMARK ALTERATION CERTIFICATE IS SUBJECT TO CITY COUNCIL CALL-UP NO LATER THAN AUGUST 18, 2015

No action was taken on this item.

B. CONSIDERATION OF A MOTION REGARDING 2015 PERFORMANCE EVALUATIONS, AND PERFORMANCE AND EQUITY BASED SALARY ADJUSTMENTS FOR THE CITY MANAGER, CITY ATTORNEY, AND MUNICIPAL JUDGE - 9:27 PM

Council Member Cowles moved, seconded by Mayor Appelbaum, to approve the 2015 performance evaluations, and performance and equity based salary adjustments for the City Manager, City Attorney, and Municipal Judge.

Council Member Morzel offered a friendly amendment to raise the Municipal Judges performance increase to 4%.

The friendly amendment was accepted by the mover and seconder of the motion.

C. Request from B&C subcommitteee to schedule Council Update and direction on **the Boards and Commission Televised Coverage Pilot Program – 9:55 PM**

The presentation for this item was provided by Communications Director Patrick von Keyserling.
Council Consensus was to continue the coverage as an ongoing program.

D. **"NOD OF FIVE" REGARDING COUNCIL MEMBER COWLES REQUEST FOR RESOLUTION IN OPPOSITION TO CHARTER INITIATIVES**

Council Member Cowles rescinded his request and a Nod of Five was approved only for Council to direct staff to provide more information regarding the impacts to the City and City services if both measures pass.

E. **COLORADO MUNICIPAL LEAGUE & NATIONAL LEAGUE OF CITIES COMMITTEE ASSIGNMENTS -** 10:36 PM

CML – Policy Committee - Tim Plass
NLC – Transportation Policy Committee - Continued to New Council

F. **DISCUSSION REGARDING AGENDA ITEM 3L-INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY, ORDINANCE NO. 8064 PLACING BEFORE THE VOTERS AT THE NOVEMBER 3, 2015 GENERAL ELECTION A BALLOT MEASURE AMENDING THE BOULDER HOME RULE CHARTER BY ADDING A PROVISION REQUIRING SUBCOMMUNITY PLANNING AND SETTING FORTH RELATED DETAILS**

Council Member Weaver spoke on his proposal noting that while not appropriate for the ballot in November, he still felt it was an important conversation to have with the new council. No action was taken on this item.

9. PUBLIC COMMENT ON MATTERS Public comment on any motions made under Matters. - None

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

Vote was taken on the motion to accept the Emergency Disaster Declaration for May 2015. The motion carried 9:0 at 10:57 PM.

Vote was taken on the motion to approve the 2015 performance evaluations, and performance and equity based salary adjustments for the city manager, city attorney, and municipal judge with an amendment to raise the municipal judge's performance increase to 4%. The Motion carried 9:0 at 10:58 PM.

11. DEBRIEF - none

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on August 18, 2015, at 10:58 PM.

Approved this 6th day of October, 2015.

APPROVED BY:

_____

Matthew Appelbaum
Mayor

ATTEST:

_____

Alisa D. Lewis,
City Clerk

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE: Consideration of a motion to accept the study session summary from July 30, 2015 regarding the West Fourmile Canyon Creek Annexation Scenarios and Design Charrette Study related to the Ponderosa Mobile Home Park.

PRESENTERS
Jane S. Brautigam, City Manager
David Driskell, Executive Director, Planning, Housing & Sustainability
Susan Richstone, Deputy Director, Planning, Housing & Sustainability
Crystal Launder, Housing Planner
Chris Meschuk, Flood Recovery Coordinator – Community Services

EXECUTIVE SUMMARY

The purpose of this item is approval of the July 30, 2015 Study Session Summary for the West Fourmile Canyon Creek Annexation Scenarios and Design Charrette Study related to the Ponderosa Mobile Home Park.

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 30, 2015 Study Session Summary for the West Fourmile Canyon Creek Annexation Scenarios and Design Charrette Study related to the Ponderosa Mobile Home Park.

ATTACHMENTS

Attachment A: July 30, 2015 City Council Study Session Summary

July 30, 2015 City Council Study Session Summary--
Update on the West Fourmile Canyon Creek Annexation Scenarios and Design Charrette Study related to the Ponderosa Mobile Home Park.

PRESENT

City Council: Matt Appelbaum, Mayor, Macon Cowles, Suzanne Jones, Lisa Morzel, Tim Plass, Sam Weaver, and Mary Young.

Staff Members: Mary Ann Weideman, Assistant City Manager; Susan Richstone, Deputy Director of CP&S; Chris Meschuk, Flood Recovery Coordinator for Community Services; Crystal Launder, Housing Planner.

1. Staff Presentation

Chris Meschuk introduced the item and provided background on the study, including the background on the 2013 flood, impacts to Ponderosa Mobile Home Park and Foothills Community parcel, and history of the Ponderosa Mobile Home Park and previous annexation attempts. Danica Powell with Trestle Strategy Group, the lead consultant on the project, presented the work to date, including phases of the project, stakeholder outreach, and the drivers, considerations and key issues for the project. She presented a video of residents in the park, and outlined the next steps for the project.

Discussion Summary

A summary of council's discussion is provided below.

General Comments

General comments included the following:

- A majority of council members stated that a key consideration for the options analysis should be keeping the residents of the community together, and minimizing displacement. If a solution will result in long term displacement of the members of the community, the project should not proceed.
- Council members were very appreciative of the outreach and work to date. It will be important to ensure impacts to undocumented residents are considered in the options and funding considerations.
- Council members agreed that the technical analysis, costs and funding options will be essential to understanding what role the city could play in the future of this community.
- Council members were supportive of having a public hearing to discuss the options and potential role of the city in the next steps. Staff will schedule a hearing for a future date.

Specific Comments

Specific comments from individual council members included the following:

- Curious about the infrastructure costs in phase 2.
- Interested in understanding what areas the city may need to vary the annexation guidelines or establish a phase-in requirement for upgrades. Finding the sweet spot for negotiation with the owners is what we need to do.
- The city is committed to mobile home parks, as evident in Boulder Valley Comprehensive Plan Policy 7.08.
- Interest in understanding the real flood mitigation options for this property, and for mobile homes/manufactured housing.

- What are the various grant funds available, and what restrictions and requirements such as residency status come with the funding? What role could the Boulder Municipal Property Authority play?
- The property should stay manufactured housing.
- If the city provides assistance or funding, how does that work with private ownership? What would the arrangement/partnership/agreement need to be? Something could get worked out, but we need to understand what this looks like for the various options.
- Intrigued by the option of using the BHP Foothills parcel as an interim/temporary solution if phasing or temporary relocation is necessary for the project.
- Goal through annexation is improving quality of life and the infrastructure.

Next Steps:
The technical analysis phase will begin, exploring the costs and potential solutions for a range of options from doing nothing to full redevelopment. A public hearing will be scheduled at an appropriate time to review the technical analysis, and discuss direction on the next steps.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE Consideration of a motion to accept the Study Session Summary from Sept. 8, 2015 on the 2016 Recommended Budget

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

EXECUTIVE SUMMARY

The purpose of the Sept. 8 Study Session was to present information on the 2016 City Manager Recommended Budget and receive council's feedback.

The first reading of the 2016 budget ordinances will be held at the Oct. 6, 2015 City Council Meeting. Additional information related to the Sept. 8 Study Session is provided in the Oct. 6, 2015 City Council Meeting 2016 Recommended Budget memo.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to accept the summary of the September 8, 2015 study session related to the 2016 Recommended Budget. The summary is included as **Attachment A** to this agenda item.

BACKGROUND

Background information can be found in the 2016 Recommended Budget document and the Sept. 8 Study Session memo.

NEXT STEPS

A public hearing and the first reading of the 2016 budget ordinances will be held at the Oct. 6, 2015 City Council Meeting. Additional information related to the Sept. 8 Study Session is provided in the Oct. 6, 2015 City Council Meeting 2016 Recommended Budget memo. A public hearing and the second reading of the 2016 budget ordinances will be held on Oct. 20, 2015.

ATTACHMENT

A. Summary of the Sept. 8, 2015 City Council Study Session

September 8, 2015
City Council Study Session Summary
2016 Recommended Budget

PRESENT

Council Members: Matt Applebaum, Macon Cowles, Suzanne Jones, George Karakehian, Lisa Morzel, Tim Plass, Andrew Shoemaker, Sam Weaver, Mary Young

Staff Members**:** Jane Brautigam, Tom Carr, Bob Eichem, Peggy Bunzli, Michael Calderazzo, Don Ingle, David Driskell

PURPOSE

The purpose of this study session was to present information on the 2016 Recommended Budget and to receive council feedback in preparation for the first reading of the 2016 Budget ordinances on Oct 6, 2015. The study session had the following agenda:

- Financial Update
- 2016 Recommended Budget
    - Overview
    - Highlights
    - Energy Project
    - Utility Rates
- Next Steps

PRESENTATION

Introduction

City Manager Jane Brautigam opened the meeting by outlining the agenda for the study session and the presentation. Ms. Brautigam acknowledged that the development of the budget required hard work from many employees throughout the city especially in light of the conversion to a new financial system. She emphasized that the budget was developed collaboratively across all departments, with a citywide approach to meeting community priorities. She then introduced and turned the presentation over to Budget Officer Peggy Bunzli.

Financial Update

Ms. Bunzli provided a financial update for the city, placing special focus on the national, state and local economic conditions that serve as context for the 2016 Recommended Budget. Ms. Bunzli noted that the economic outlook for the region is good overall. Economic growth is moderate and expected to continue, unemployment is low, the local housing market is quite strong, and retail sales are steady. However, there is some economic uncertainty surrounding the potential for higher interest rates in the near-term. Ms. Bunzli also mentioned the recent volatility in the financial markets due to slow growth in Europe and China. Most economists are not forecasting any long lasting negative economic impacts for the U.S. economy, at this time.

Ms. Bunzli provided Sales and Use Tax revenue information (as a percentage over prior year) for Boulder. Ms. Bunzli stated that city's 2015 Sales and Use Tax collections are projected to grow 5.93 percent year-over-year compared with the 3.13 percent growth rate that was originally projected for 2015. The year-to-date Sales and Use Tax collections through July 2015 have increased 4.4 percent over 2014. Ms. Bunzli explained that the city is maintaining its 5.93 percent projection for the full year because the current difference to projection lies in one-time revenue collections and these vary considerably from year to year, including the timing of receipts. Additionally, retail sales tax collections, which represent the largest share of sales and use tax collections and are more indicative of ongoing revenue trends, are on target and remain strong. Staff will monitor collections closely and make adjustments if needed. Looking forward, the 2016 Sales and Use Tax projection has been tempered to 2.65 percent primarily due to lower expected one-time revenues in 2016 over 2015.

Ms. Bunzli went on to explain that citywide actual revenues have exceeded citywide revenue projections in all years after 2006 with the exception 2008 and 2009 when the severity of the recession exceeded expectations. Ms. Bunzli also pointed out that the city has been confronting a loss of buying power across all service areas over the last decade. However, the city recognized a potential structural gap in its long term financial analysis work with the Blue Ribbon Commissions and then through an update to the Comprehensive Financial Strategy, took specific measure to address this have resulted in eliminating the gap. The steps taken addressed both revenue and expenditure and included tax renewals, realizing efficiencies and savings, implementing financial policies such as tying one-time expenditures to one-time revenues, and redeveloping a citywide compensation philosophy that is more fiscally sustainable. Ms. Bunzli emphasized the importance of maintain strong fiscal policy to ensure the structurally balanced budget ongoing.

Ms. Bunzli then provided an overview of the citywide budget. The 2016 Recommended Budget totals $327 million comprised of $254 million in operating and $73 million in capital expenditures. The $254 million operating budget is further divided into $117 million in general fund expenditures and $136 million in dedicated fund expenditures. The 2016 Recommended Budget represents a 2.5 percent increase over the 2015 Approved Budget. 1.6 percent of this increase is capital related and 0.90 percent is programmed as ongoing operating expenditures. The areas of significant spending are Public Works - $133 million, Public Safety - $52 million, Open Space and Mountain Parks - $34 million, and Parks and Recreation - $25 million.

Total citywide revenues in 2016 are projected at $319 million of which $125 million is derived from Sales and Use Tax. With utilities rates excluded, Sales and Use Tax represents nearly half of all revenue. This underscores the importance of monitoring economic conditions. General Fund revenues are projected to be $128 million and Sales and Use Tax makes up approximately 46 percent of these General Fund revenues. Property Taxes are the second most significant contributor to total General Fund revenues at 21 percent. Ms. Bunzli noted that the difference between revenues and expenditures

was the use of one-time funds, saved up and planned for, such as for capital or project spending.

General Fund Expenditures in the 2016 Recommended Budget total $132 million. Public Safety constitutes a major portion of General Fund expenditures at approximately 40 percent of the overall total. Contained in General Fund expenditures is the category of Transfers to Other Funds, totaling $15 million. Included in these transfers is General Fund support of restricted funds including the Planning and Development, Affordable Housing, Library, Recreation and Open Space funds. One department of particular note is the Library and Arts Department. Direct General Fund support of the Library and Arts Department is $578,000, mostly in Arts funding. However, actual General Fund support to the department is over $7 million once the $6.4 million General Fund transfer to the Library Fund is considered.

The 2016 Recommended Budget provides a 16 percent reserve in the General Fund which represents approximately 2 months worth of revenues. Ms. Bunzli noted that reserves also exist in the city's other restricted funds and that detailed information on these reserves is available in the budget document. Ms. Bunzli also pointed out that several funds, receiving the majority of FEMA and State reimbursement from the 2013 Flood, have created a temporary reserve of 7 percent of FEMA and State reimbursements to cover the potential de-obligation of funds after FEMA performs its audit and close out. The 7 percent is based upon research conducted with other communities who have experience with the FEMA reimbursement process. Once the audit is complete, any funds not needed from these reserves would fall back to the funds balance and become available to be programmed for one time needs.

Ms. Bunzli then handed the presentation over to Chief Financial Officer Bob Eichem to address projected property tax collections in 2016. Mr. Eichem started by setting the context of property tax revenues. Property tax makes up 21 percent of the city's General Fund revenue and the portion of property tax directed to the city constitutes approximately 13 percent of an average City of Boulder property owner's property tax bill. Property taxes are based on bi-annual assessments done by Boulder County and it is reported that property values have gained 22 percent since the last valuation. It is important to note that this 22 percent increase will likely fall after property owners complete the appeal process in the 3rd and 4th quarters of 2015.

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.

In anticipation of the potential purchase of the Boulder Community Health/Broadway Campus site, city staff only included revenues equal to a 3 percent increase in property tax collections in the General Fund for 2016.

Additional revenues anticipated from the increased valuation, could be used to pay for the acquisition of the Boulder Community Health/Broadway Campus site.

The impact to City of Boulder property owners of a 22 percent increase in fair market property values would be approximately:

- An annual increase of $105 per every $500,000 in fair market value of residential property and
- An annual increase of approximately $765 per every $1 million in fair market value of commercial property.

These projected increases only account for the City of Boulder's portion (approximately 13 percent) of a property owner's total tax bill. The increase for other taxing entities within the City of Boulder (such as the County, School District, etc.) is dependent on the specific revenue restrictions of each entity and the elected mill levy increase of those entities.

Discussion

The following general ideas and themes emerged from council discussion of the Budget Overview:

- The year-over-year (YOY) revenue growth, expressed in percentages, is normalized to exclude temporary and dedicated increases, such as the recently approved 0.3 percent Community, Culture and Safety tax, which is a three year tax, dedicated to specific projects. This allows for meaningful comparison of collections and trends.
- The 2016 projected growth rate in Sales and Use Tax of 2.65 percent appears low relative to the revised 2015 growth in Sales and Use Tax of 5.93 percent. This contrast is attributable to lower expected one-time revenues in 2016.
- The decline in the city's buying power over time tracks the effects of inflation (based on the local Consumer Price Index) on goods and services that the city procures relative to the city's collection of Sales and Use Taxes. The city's buying power continues to show decline since 2000, despite absolute revenue growth. However, as a result of steps taken following the Blue Ribbon Commission reports on revenues and expenditures, the city has maintained a structurally balanced budget and has eliminated a projected revenue to expenditure gap. Measures include voter approved tax renewals, eliminating TABOR restrictions, operational efficiencies and fiscal policy requiring the use of one-time revenues for one-time expenditures only.
- The financial relationship between the General Fund and Library fund needs to be examined and possibly restructured. The General Fund currently provides a direct transfer to the Library Fund which, in 2016, is projected to total $6.4 million and cover 85 percent of the Library's operating budget. There is a desire to see this restructured as a direct General Fund allocation to the department, rather than a transfer from one fund to another for the same purpose.
- City of Boulder voters removed remaining TABOR revenue restrictions in 2008. As a result, the city's portion of property taxes can be increased proportional to assessed value increase. This ability may contrast with other taxing entities such

as the County or School District, depending on whether or not they remain subject to TABOR and State revenue limitations.

Budget Highlights

City Manager Jane Brautigam began the budget highlights section by explaining how community and council priorities, as expressed in the Community Sustainability Framework, informed the development of the 2016 Recommended Budget. Ms. Brautigam stated that the Community Sustainability Framework will increasingly shape the budget and ultimately allow for the budget to be presented according to outcomes. Ms. Brautigam then introduced the areas of focus in the 2016 Recommended Budget, by Community Sustainability Framework outcome area:

Safe Community

The 2016 Recommended Budget includes the addition of 3.0 Full Time Equivalent (FTE) positions in the Police Department. These FTE are comprised of two police officers and one non-sworn communications administrative supervisor. The two recommended additional police officers make up the sixth and seventh sworn personnel addition since the Police Department adopted its 2013 Master Plan that called for adding eight sworn personnel over five years. The budget proposes the addition a 3.0 FTE in the Fire Department, aimed at data analysis, education, inspection and fire prevention. These additions include a senior planner analyst, a haz-mat inspector and a fire safety educator. These positions are in support of the department's focus on community risk reduction and improved data driven decision making. The 2016 Recommended Budget also includes funding for improving lighting and safety along the Boulder Creek path. These efforts are funded with dedicated revenues generated from the temporary additional 0.30 cent Community, Culture and Safety Tax that was passed in 2014.

Environmentally Sustainable Community

The 2016 Recommended Budget includes three primary areas of investment in environmental sustainability. First, the budget recommends funding a series of initiatives in Open Space and Mountain Parks, including implementation of an agricultural resource management plan, improved signage throughout the system to encourage proper public stewardship, implementation of an east trail study, and hiring of a cultural liaison. The city is also addressing the growing impact of the Emerald Ash Borer. This response program is being managed by the Parks and Recreation Department. The 2016 Recommended Budget also includes recommended funding to continue the city's commitment to energy and climate change.

Livable Community

The 2016 Recommended Budget addresses ongoing efforts to enhance Boulder's livability by focusing funding on both broad-based and targeted initiatives. The 2016 Budget recommends continued investment in the city's housing strategy with funding for a new data management system as well as a communications specialist and the conversion of a housing planner from fixed-term to ongoing. The 2016 Budget also recommends the extension of funding for a planner position that is supporting land use regulation development and the form-based code pilot program.

Additional funding for Hill community development is being recommended in 2016. It specifically includes continued funding for an ongoing (converted from fixed-term) Hill Coordinator. In 2015, the city launched a neighborhood liaison program designed to encourage enhanced neighborhood engagement and outcomes and the $50,000 grant portion of this program was funded out of the City Manager's contingency on a pilot basis. The 2016 budget recommends ongoing funding for the program.

Healthy and Socially Thriving Community

Funding for implementation of the Community Cultural Plan (CCP) is a major component of the 2016 plan to achieve a healthy and socially thriving community. Temporary funding for the purchase and installation of public art was secured with the passage of the Community, Culture and Safety tax in 2014. The 2016 budget seeks to expand on this effort by recommending an increase to the grant funding disbursed by the Arts commission in line with a revamped awarding process that is more impactful and sustainable. The recommended funding also includes funding for a program specialist position within the Arts department to help manage the expanded programs. The 2016 Recommended Budget recommends increasing funding for the library collections to mitigate the reduction in purchasing power due to a shift in patron preferences for e-books which are more expensive.

One important aspect of the 2016 Recommended Budget is a focus on collaboration with community resources outside of the city to achieve community wide results. The proposed budget includes repurposed and new funding in the 2016 budget for parks and recreation for an Events Manager, Philanthropy Manager and Business Analyst to strategically develop and leverage community partnerships and optimize service provision to the community. These positions will enhance inclusive and transparent community engagement practices that encourage participation by all community members, and promote data driven decision making to benefit the community. Additionally, the 2016 budget recommends an increased allocation to the successful Harvest Bucks program. This program subsidizes the purchase of healthy foods for low-income residents and is funded in conjunction with Boulder County.

Economically Vital Community

The 2016 Budget works to build and maintain an economically vital community with investments in three specific areas. First, the 2016 budget recommends conversion to ongoing of the business liaison position, who responds to business assistance requests, coordinates business resources for small business owners, monitors progress on the Economic Sustainability Strategy, develops economic vitality metrics and supports city business incentive programs. The budget also recommends funding for a pilot EcoPass program for Hill employees and increased one-time funding to support the Hill Reinvestment working group, as it determines how to implement the evolving strategy. Recommendations for on-going funding strategies for the Hill will be included in the 2017 Budget.

Finally, the 2016 budget recommends the extension of funding for contracted special events management services. This contract position manages large citywide special events, such as the Ironman, that make a meaningful economic contribution to the community.

Accessible and Connected Community

Expanding and maintaining an accessible and connected community is an important part of the 2016 Budget. The city began a program to provide public Wi-Fi in 2015 with installation of infrastructure in the Civic Area. The 2016 budget recommends funding to expand on this work by extending public Wi-Fi access to the Boulder Reservoir, Scott Carpenter Park and the South Boulder Recreation Center. Access to local community information is also being included as a priority in 2016 with recommended funding for a community newsletter, continuing video coverage that has grown to include Board and Commission meetings, and the addition of closed-captioning services on video coverage. Finally, the 2016 recommended budget includes funding for physical access projects including funding consulting services to finalize the Access Management Parking Services (AMPS) strategy and expansion of the Transportation CIP.

Good Governance

The 2016 Budget addresses good governance with a focus on data and innovation, IT security, and organizational development. The city's focus on data and innovation is present throughout the budget (planner analyst in the Fire Dept., data analysis in OSMP, etc.), but this theme is brought together with the City Manager's recommendation to hire a Senior Project Manager in the City Manager's Office who would be responsible for harnessing the multiple data initiatives throughout the city. This position would be tasked with developing and deploying a citywide performance measurement system and public dashboard.

Protecting the city's data is also a critical component of the 2016 Budget. The Information Technology Department recommended budget includes increased funding for security assessments and the addition of a Chief Security Officer who would be dedicated to protecting the city's network from unwanted intrusion. The city enjoys a high profile nationally and internationally, and preventing any sort of data breach is crucial. Finally, the city's Human Resources Department is recommending additional funding for organizational development with trainings and development opportunities focused on lower level staff. The idea is that the city needs to start to train its next generation of leaders. This effort will be complemented with the introduction of a uniform citywide tuition reimbursement program that will allow city employees to grow their suite of skills and abilities.

Conclusion

City Manager Brautigam concluded the highlights portion of the presentation by providing an overview of how the 2016 Recommended Budget impacts the city's staffing (FTE) counts. The 2016 Budget includes an addition of 11.75 fixed-term and 24.25 ongoing FTE for a total net impact of 36 FTE, growing the total FTE count to 1,419. The ongoing additions are intended to enhance organizational capacity within Public Safety –

6.0 FTE, support Parks and Recreation Master Plan Implementation – 3.5 FTE, provide citywide program support in Arts, CMO and Communications – 4.0 FTE, provide for asset maintenance in FAM and Transportation – 2.0 FTE, support internal services (IT, Finance/Purchasing, Wellness) – 4.75 FTE, and provide needed administrative support in Fire, CMO, Communications and HR – 4.0 FTE.

Discussion

The following general ideas and themes emerged from council discussion of the Budget Highlights:

- Contracts and purchasing in the city are largely managed in the departments. However, the Finance Department's purchasing division serves a coordination and facilitation role and manages legal requirements, processes, and city policies. The addition of the purchasing coordinator within the Finance Department is intended to supplement a central purchasing division that has lacked adequate resources, as capital projects, bids and contracts have increased significantly. The increased workload associated with increased volume and complexity of purchasing contracts has in part been offset by refinement of purchasing policies, procedures and guidelines to improve the purchasing process. However, current needs exceed the capacity of the current level of staffing in purchasing.
- The IT department is seeking funding to purchase software to track usage of public Wi-Fi, covering existing public facilities like the Library and new outdoor spaces. The current recommendation to fund expansion of Wi-Fi to Boulder Reservoir, Scott Carpenter and the SBRC is being made given current ordinance restrictions on any entity's ability to mount Wi-Fi equipment on anything but building structures. The effective range of high-performance Wi-Fi transmission systems is too limited (roughly 35 yards) to provide wide coverage without dense building structures upon which to mount the necessary equipment. This precludes the installation of Wi-Fi at Fire Station 5 to cover Boulder Meadows, for example.
- The IT Department is in the final stages of the RFP process to hire a consultant to study the establishment of a municipal high-speed, fiber-based internet service. The consultant will be tasked with scoping the technical requirements as well as possible public-private-partnership business models that would piggyback off of the city's extensive existing fiber footprint. A community Broadband Working Group has been established and has set a draft vision statement that calls for the city to catalyze better broadband services within the next two years, if feasible.
- Salary projections in the budget include both salary and benefits which typically equal 25-35 percent of salary.
- Living wages is not currently built into the budget, as the Human Relations Commission is exploring this issue and will be making a recommendation to Council. We fully expect that their recommendation will provide for a living wage. The budget has the flexibility to cover such a change and we will bring it back to Council during a future adjustment to base.
- The planner/analyst position being requested in the Fire Department is not intended to work exclusively on determining proper fire station relocations, especially since these relocations are currently cost prohibitive. This position will

take a broader analysis role by working on overall operational efficiency, conducting longitudinal analysis of the effectiveness of education/prevention programs, and analyzing the structure needed to rollout the Light Response Vehicle program in addition to other ongoing performance measurement needs.

- Fire education and prevention cannot be accomplished by personnel from other departments because it requires a specialized knowledge base. The Fire Department does have an education/prevention program in place, but the personnel responsible for this program are currently being forced to balance these responsibilities with other duties, impacting the program effectiveness.
- The city can explore hiring a bilingual (Spanish-speaking) Communications Specialist II for the position proposed in Communication in support of Housing/Human Services efforts.
- The city contributed $20,000 to the National Manufactured Home Owners Association in 2015 and has the budget flexibility to continue to do so in 2016.
- Boulder has used sub-community and area planning to guide redevelopment and public investment in areas of change. Examples of this include the North Boulder Sub-community Plan, the Transit Village Area Plan, the Gunbarrel Community Center Plan and the Civic Area Master Plan as well as initiatives such as the Downtown Alliance. Most recently, the city has undertaken an area planning approach along the East Arapahoe Corridor, and anticipates starting an area planning process for the Broadway campus area of Boulder Community Health, and is incorporating sub-community analysis and conversations within the 2015 update process for the Boulder Valley Comprehensive Plan. If Council were to prioritize the development of sub-community plans for all parts of the city as part of the 2016/2017 work plan, staff would return to engage Council and relevant boards as well as the community in a scoping conversation to better understand the objectives to be achieved, and based on that provide options about how best to approach achieving those objectives. Importantly, such planning efforts require the commitment of staff resources across multiple departments, as the issues that are typically addressed go well beyond land use and development, including issues such as parks and open space, community facilities, transportation and multi-modal access, public safety, arts and culture, and others.
- Council is interested in knowing more about the anticipated actions and benefits of joining the Colorado Climate initiative.
- Council discussed the recommended growth in FTE. Some council members indicated that the proposed additions were warranted and roughly tracked the growth in services at a rate similar to that of the city's revenue growth. Other council members asked staff to consider the staffing levels carefully and to provide additional information on what services were supported by additional FTE for 1st reading on October 6.

Energy Project

Chief Financial Officer Bob Eichem presented the Energy Project segment of the presentation by reminding council that the city had appropriated three years worth of budget in 2015 with a plan to carryover any unspent balances from year to year. This was done to provide financial flexibility because the municipalization project had uncertain

timing and funding needs due to ongoing litigation. Part of this appropriation included a City Manager contingency and this is again recommended for 2016. It is intended to fund critical positions that need to be in place ahead of the transfer of assets. Three of the 5.25 total FTE additions being recommended for 2016 will support customer service, evaluate rates and finance strategies, and assess energy resource changes. The work performed by these positions will benefit the city outside of the municipalization project. The remaining 2.75 FTE will not be added until legal decisions have been made allowing all aspects of the project to move forward.

The 2016 Recommended Budget includes carrying over any unspent contingency dollars from 2015 and providing funds to bring the contingency available up to the $1 million level again for 2016. The project expects to spend $447,000 from the contingency in 2016 on the aforementioned positions and other non-personnel items. The city will reevaluate overall needs as part of the annual Long Range Fiscal Planning that is revisited in April each year. This funding scenario has been developed with measured steps and potential off-ramps should the litigation process require the use of such options.

Discussion
The following general ideas and themes emerged from council discussion of the Energy Project:

- The 3.0 FTE being recommended in the 2016 Budget will work to support customer service initiatives that will complement current customer service efforts of the water and wastewater utilities. The position that will evaluate energy resource changes will complement climate efforts of the same nature as those currently funded out of the CAP tax.

Utility Rates
Ms. Bunzli ended the presentation with an overview of the proposed 2016 rates for Water, Wastewater and Stormwater/Flood Management. The rates being proposed for 2016 are the same as what was projected last year. The projected 2016 rates are closely tied to capital planning that is presented in the CIP in more detail. For 2016, Water, Wastewater and Stormwater rates are projected to increase by 8 percent, 5 percent, and 4 percent, respectively. When applied to an average single-family bill, these projected rate increases will raise the average monthly single family home bill by approximately $5 to $85. For water, this equates to an increase from $0.0034 to $0.0037 on a per gallon basis. On a percentage basis, residential and commercial customers can expect their combined bills to increase by 6 percent.

Assuming no 2016 rate increases in other communities, the proposed Water rate increases place Boulder approximately in the middle of the range relative to fourteen other neighboring communities; the rate increases in Wastewater place Boulder in the top third relative to neighboring communities; and Stormwater rate increases place Boulder at the top of the range relative to neighboring communities. Given that Boulder carries the highest flood risk of any community in Colorado, higher rates in this area are commensurate with that risk. Again, assuming no 2016 increases in other communities,

the proposed rate increases will place Boulder's combined utility bills in the top one-third of other Front Range communities. It is important to note that these rate comparisons set Boulder's proposed 2016 rates against the other communities' 2015 adopted rates because the other communities' 2016 projected rates are unknown at this time.

Discussion
There was no further discussion on Utility rates.

Conclusion
Ms. Bunzli then provided council information on the next steps in the budget process, including the dates of the Public Hearings: Oct. 6 and Oct. 20.

Council indicated that a second study session would not be needed on Sept. 17.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE: Consideration of a motion to accept the September 17, 2015 Study Session Summary on Mobile Home Parks.

PRESENTERS
Jane S. Brautigam, City Manager
David Driskell, Planning, Housing and Sustainability Executive Director
Jeff Yegian, Division of Housing Manager
Jay Sugnet, Senior Planner
Crystal Launder, Housing Planner

EXECUTIVE SUMMARY

This agenda item provides a summary of the September 17, 2015 study session on mobile home parks policy.

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

1. Whether council agrees that the list of key issues and potential city actions identified by staff is complete and accurate;
2. Whether there are additional items that should be explored; and
3. Potential priorities and city actions for the 2016 work plan.

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 September 17, 2015 Study Session Summary on mobile home park policy.

September 17, 2015 Study Session Summary on Mobile Home Parks

PRESENT
City Council: Matt Appelbaum, Macon Cowles, Suzanne Jones, Lisa Morzel, Tim Plass, Andrew Shoemaker, Sam Weaver, and Mary Young

Staff members: City Manager Jane S. Brautigam, Department of Planning, Housing and Sustainability Executive Director David Driskell, Division of Housing Manager Jeff Yegian, Senior Planner Jay Sugnet, Housing Planner Crystal Launder

OVERVIEW
Department of Planning, Housing and Sustainability Executive Director David Driskell opened the meeting to introduce mobile home parks. This year there has been considerable discussion of affordable housing and issues that have come up around a specific mobile home park. This study session is an opportunity to step back and discuss what the city has done and could potentially do to support mobile and manufactured homes in Boulder, which play an important role in supporting economic and social diversity in our community.

Division of Housing Manager Jeff Yegian explained that this is the continuation of a 30-year conversation on mobile home parks in Boulder. The overview presented to council was a summary of the study session memo, focusing on key issues and potential policy responses. Feedback from council will inform the Housing Boulder work plan.

KEY ISSUES AND POTENTIAL POLICY RESPONSES
Mr. Yegian provided an overview of each key issue and briefly described potential public policy or program responses to these issues. He explained that the key issues are not discrete packages and there is in fact overlap, providing the example that Resident-Owned Communities (ROCs) could address several of the key issues. The five key issues and 16 potential actions discussed are outlined in the September 17 memo.

The following is a summary of the Council discussion.

MAJOR THEMES
The follow are the major themes staff identified from the study session conversation.

- Council members expressed a desire to maintain the value that existing mobile home parks provide in the community (affordability, diversity, low-income homeownership, economic benefits, etc.).
- An area of significant concern to council was the condition of aging park infrastructure, primarily water and sewer systems, and the potential for failure.
- Interest was expressed in enabling small lot housing options as an alternative to pursuing new mobile home parks per se.
- A number of council members expressed interest in facilitating the transition of existing parks to city, nonprofit, or resident ownership.
- There was general support for moving forward with the five items identified in the preliminary short list of actions in addition to considering actions that could address the issues of aging infrastructure and long-term park affordability and stability.

KEY ISSUE: PRESERVATION and EXPANSION of MANUFACTURED HOUSING

- Some council members expressed interest in considering changes to the BVCP and work to identify the impediments to the establishment of new parks, such as minimum park size of five or ten acres.
- A council member proposed pursuing the creation of small lot subdivisions or micro lot zoning that could support manufactured housing, tiny homes and other smaller, diverse housing types. Several council members supported including this work in the BVCP update.
- Several council members expressed interest in defining the conditions of annexation. One noted that this might be particularly valuable for one mobile home park in Area II with known water issues.
- Several council members expressed interest in continuing to support the formation of resident-owned communities, particularly given that there are national organizations focused on supporting this effort.
- A council member thought it might not be realistic to establish new mobile home parks given that it could require up zoning or down zoning and land costs are quite high, suggesting that other options like multifamily housing would be more desirable given the return on investment.
- Another council member noted that if building in Area III, the density in mobile home parks is insufficient to justify transforming biologically productive land into a lot with a home.

KEY ISSUE: AFFORDABILITY to PARK RESIDENTS

- Council members expressed a desire to maintain the affordability of this housing option in the community.
- Several council members were concerned that the cost of park improvements would be passed along to park residents, decreasing the affordability.
- Several council members expressed support for resident or nonprofit ownership of mobile home parks.
- A council member was interested in understanding the factors at work that make mobile homes unaffordable, such as in Malibu, an example cited in the presentation, and to use this information to inform policy.
- A council member proposed creating the conditions under which housing in mobile home parks could transition to modular housing on fixed foundations, a relatively affordable housing option in resident-owned parks or a small lot subdivision.

KEY ISSUE: RESIDENT-OWNER RELATIONS

- Several council members expressed interest in exploring the idea of requiring rental licensing for park operators.
- Related to rental licensing, interest was expressed in having basic standards to ensure when infrastructure is replaced, it's done correctly.
- Several council members endorsed continued funding of legal services.
- It was noted that water quality is a top concern for residents at Orchard Grove and other parks.
- A council member suggested separate metering as a mechanism related to rental licensing that would address the challenges of enforcing health and safety standards in mobile home

parks, but also give residents more information on their water usage and sources for their monthly bill. This idea was supported by several council members.

- A council member proposed establishing a local fund similar to a statewide fund in Washington State. [Park owners are required to annually pay $10 per rented pad and may charge each home owner up to half of the amount. Collected fees fund the Manufactured Housing Dispute Resolution Program, the details of which can be found here.]
- Based on conversations with Dickey Lee Hullinghorst, Speaker of the Colorado House of Representatives, a council member proposed working in coalition with other communities across Colorado facing the same challenges around mobile home parks, rather than attempting to move mobile home park items forward during the 2016 session. This proposal was supported by several council members.

KEY ISSUE: IMPROVE HABITABILITY and ENERGY EFFICIENCY

- Expansion of mobile home rehab programs was supported by several council members.
- Requiring unit inspections was not supported.
- A council member proposed using the revenue from short-term rental tax to support the mobile home rehab program.

KEY ISSUE: PARK INFRASTRUCTURE

- A couple of council members expressed interest in developing private utility standards.
- Several council members expressed interest in developing a plan to address aging infrastructure before system failure occurs that could leave at least some park homes without services.
- Several council members were concerned that if substandard private infrastructure systems are brought up to standards, the high cost of those improvements would ultimately be borne by park residents.
- A couple of council members raised concern that funding upgrades to infrastructure benefits not only the residents, but also the park owner who is operating the park as an investment.
- In response to a question of how the city charges mobile home parks for water, staff provides the following information. Mobile home parks are billed the same as apartment complexes. The city does not have rules about how park residents are billed. Parks may, for example, charge by household size or have a flat fee; they may work with a utility billing company or not. Each mobile home park with water service has one or more master meter(s) on the property.

NEXT STEPS

Council Member Morzel mentioned that she, Council Member Young and Mr. Yegian would be attending a manufactured housing conference in Denver on October 1 and would bring further ideas back.

Mr. Driskell stated that the conversation would be shared with the BVCP team. Staff will integrate the short list of actions into the Housing Boulder work plan and bring other work items to the January Council retreat for 2016 work plan prioritization.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE
Consideration of a motion to approve changes to the Transit Village Area Plan (TVAP) Connections Plan within the S'PARK redevelopment area as a part of the Site and Use Review applications case no. LUR2015-00010, as approved by Planning Board on Sept. 3, 2015.

Applicant: Applicant: Scott Holton, Element Properties

PRESENTERS
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Susan Richstone, Deputy Director of Planning, Housing and Sustainability
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner

EXECUTIVE SUMMARY
On Sept. 3, 2015, the Planning Board unanimously (7-0) approved the Site and Use Reviews for the proposed 10.9 acre mixed use project referred to as "S'PARK" that is generally located at 34th Street and Valmont Road within, and surrounding, the former Sutherlands Lumber property. A call-up consideration of the Planning Board's decision is under a separate agenda item. A weblink to the Planning Board's staff memo and draft meeting minutes is found **here.** As a part of the Planning Board approval, the board also approved four connection changes to the Transit Village Area Plan Connections Plan that still meet the intent of the connections plan. Changes or amendments to the TVAP connections plan, which include consolidations or eliminations, require both Planning Board and City Council approval.

As a part of the adopted TVAP, there is an amendment process for connections that provides flexibility in relocating proposed facilities to reflect site-specific considerations while still ensuring necessary connections to fully realize an integrated multimodal network. The changes proposed by the applicant as a part of the Site Review application were found to be in keeping with the intent of the TVAP Connections Plan and meet the criteria for amendments.

The purpose of this item is to obtain City Council approval to authorize changes to the TVAP Connections Plan as required under TVAP for the S'PARK redevelopment.

STAFF RECOMMENDATION

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

Motion to approve changes to the Transit Village Area Plan Connections Plan as proposed within Site Review application no. LUR2015-00010 for the mixed use project referred to as S'PARK.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: No direct economic impacts are anticipated.
- Environmental: None anticipated.
- Social: No social impacts are anticipated.

OTHER IMPACTS

- Fiscal: There has been no added fiscal impact on the city identified as the request has been reviewed through the provisions of the standard processes and is within normal staff work plans.
- Staff time: The applicant has paid the required application fees to cover the staff review time of the proposed TVAP Connections Plan changes.

PUBLIC FEEDBACK

Public comment was received both prior to, and during, the Planning Board public hearing for the Site and Use Review applications on Sept. 2 and 3, 2015. There were no objections raised as a part of the Public Feedback for the proposed TVAP Connections Plan changes.

BACKGROUND

In 2007, City Council adopted the Transit Village Area Plan with the intent of the plan as described on page 5 of TVAP as follows:

> *This plan describes the city's vision for the future of the 160-acre Transit Village area and will guide long- term development of the area. The plan vision will be carried out by the city, private property owners and the Regional Transportation District (RTD). The Implementation Plan, a companion document to this plan, identifies specific actions the city will take in the coming years to advance the plan's goals and objectives.*

The Area Plan consists of a Land Use Plan, a Connections Plan, and Guidelines. The purpose of the Connections plan, shown in Figure 1 is intended as follows,

> *The Transportation Connections Plan will be used to guide future right-of-way acquisitions and capital improvement planning, as well as to preserve right -of- way corridors for future road dedication and construction. The Guidelines for Character Districts and Streetscapes will be used in the Site Review Process to help determine whether a project meets Site Review criteria.*

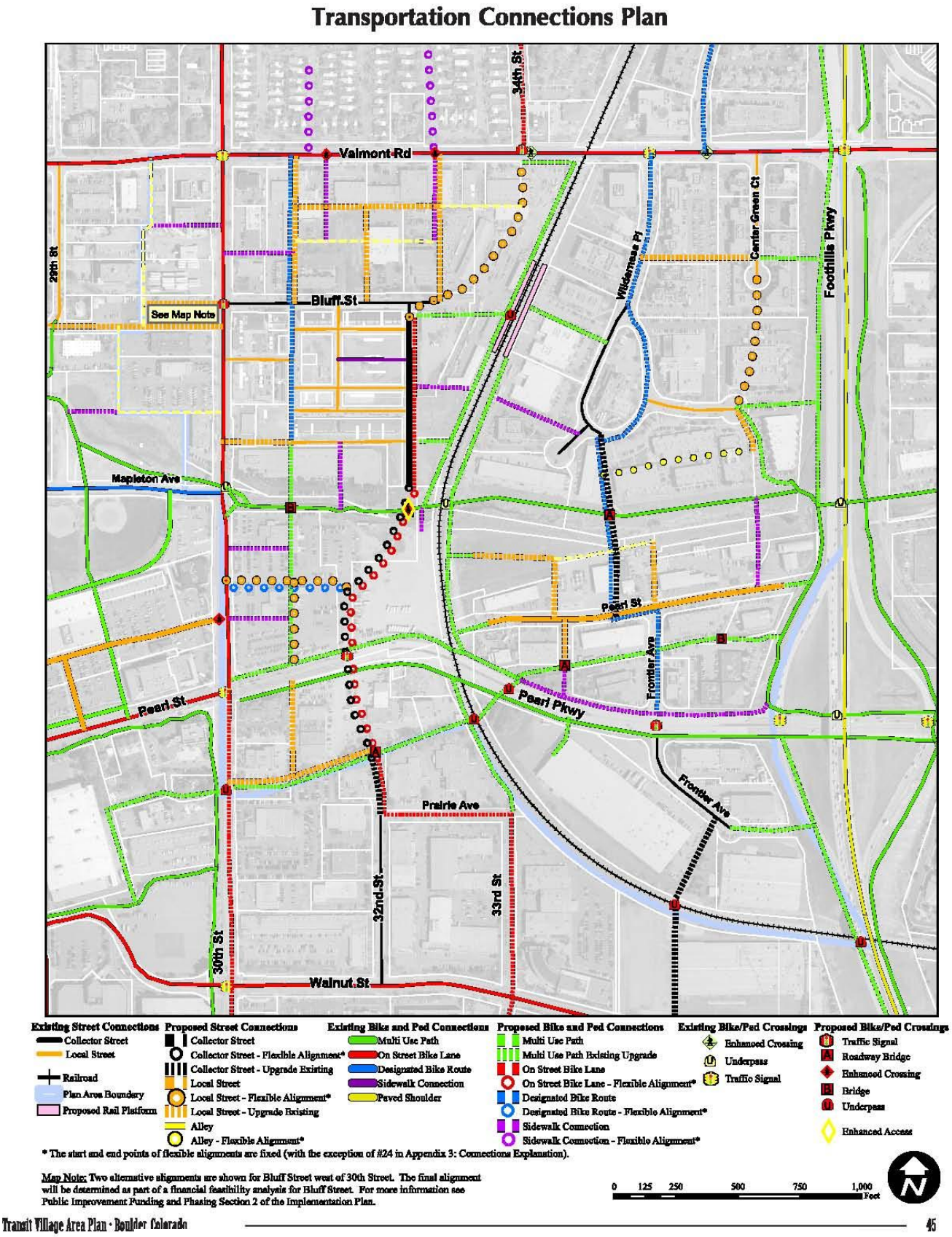


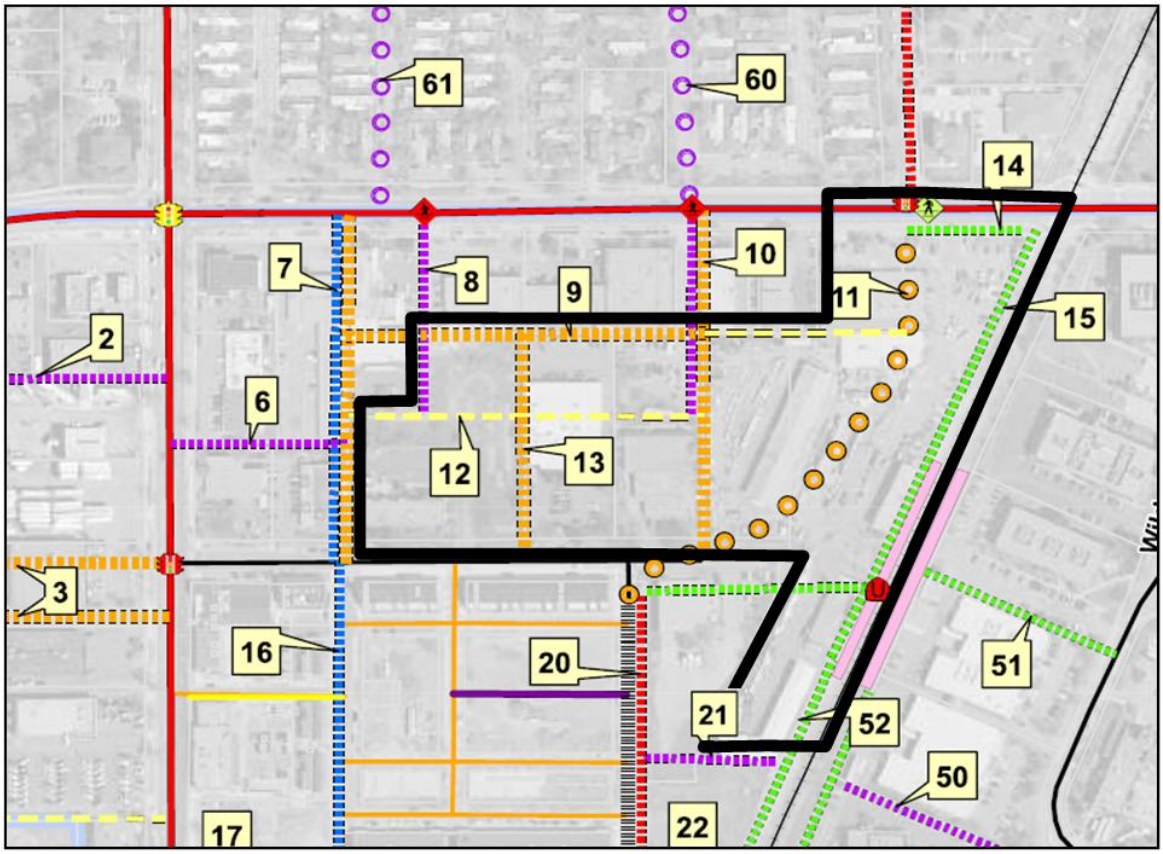
Figure 1:
Transit Village Area Plan Connections Plan

The full description of the Connections Plan begins on page 41 of TVAP and a weblink to that section is provided here.

The TVAP connections plan was established to break up the existing "superblocks" where no connectivity exists today and there is an assumed level of interpretation within the Connections Plan, as noted on page 59 of TVAP, Appendix 3, Connections Explanation and Rationale,

> *"The purpose of this appendix is to provide a detailed explanation and rationale for each connection on the Transportation Connections Plan. It will be used to help interpret the Connections Plan for capital improvement planning and review of individual development review applications."*

Figure 2 illustrates the location of the 10.9 acre site within the TVAP Connections Plan, with a description of each of the connections per the TVAP Appendix 3.



8: Pedestrian connection

10: Local Road and pedestrian connection

11: Local Connection with flexible alignment (Junction Place)

14: Multi-use path

15: Multi-use path along west side of railroad tracks

20: On-Street Bike lanes: Bike connection between Bluff Street and Goose Creek

21: Pedestrian Connection to Rail platform

22: Multi-use path along west side of railroad tracks

Figure 2:
S'PARK Project Area within the Transit Village Area Plan Connections Plan

As can be seen in Figure 2, the intent is to have two north/south local street connections through the site, along with the extension of Junction Place to Valmont Road. The intent is also to have one east/west local road along with an east/west alley through the site. A multi-use path along the railroad line is also expected in the Connections Plan through the site. A below grade pedestrian crossing is proposed under the rail line at the time of implementation of FasTracks by the city and RTD. The site plan proposed includes the dedication of land to accommodate this future need.

PROPOSED CHANGES

The proposed mixed use neighborhood of S'PARK is planned with seven distinct areas shown in Figure 3:

- Markt: a 55,340 square foot four story commercial mixed use building
- Ciclo: a 57,901 square foot, three story mixed use building Community Cycles non-profit organization on the ground level and with 32 permanently affordable apartments above;
- Railyards: a 70,155 square foot, four story commercial mixed use building with ground floor retail and upper story office;
- Meredith House: a 20,754 square foot, four story residential condominium building;
- Timber Lofts: a 115,000, four story mixed use building with apartments and townhomes
- S'PARK_west (3085 Bluff): 24 townhomes, and
- S'PARK_west (3155 Bluff): 45 permanently affordable townhomes and apartments.

Figure 3:
Plan View and Aerial Perspective of Proposed S'PARK Project

Proposed Changes to the Connections Plan. The proposed changes to specific connections within the TVAP connections plan are intended only within the area that is referred to as S'PARK_west and are illustrated in a comparison in Figures 4a and 4b and further described on the following page.

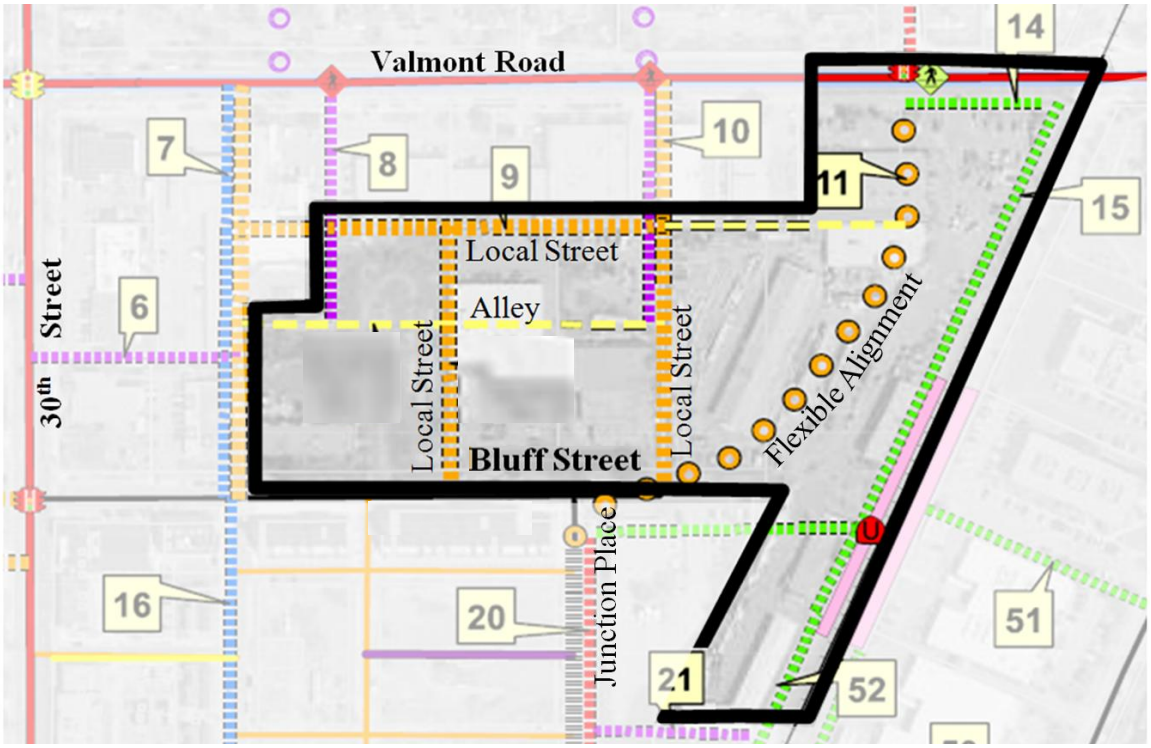


Figure 4a: Existing TVAP Connections Plan for S'PARK Site

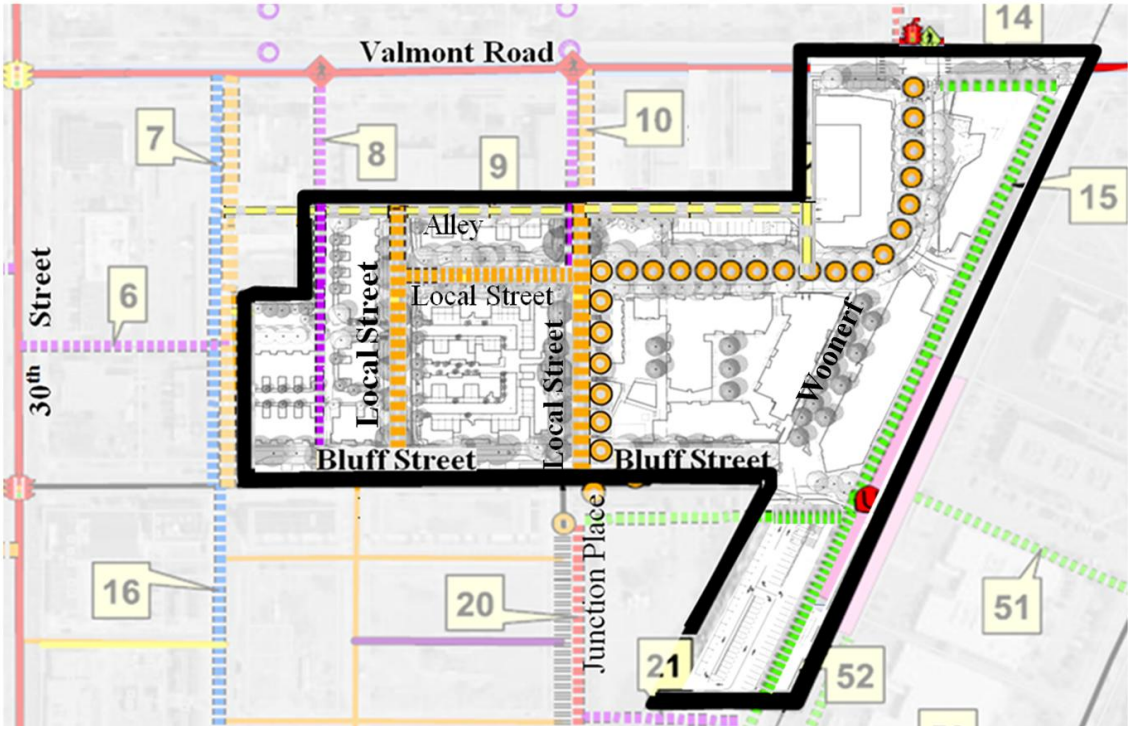


Figure 4b: Proposed TVAP Connections Plan for S'PARK Site

Proposed Changes to the Connections Plan within the S'PARK_west Portion of the Project:

- Connection 9: an east/west Local Street would be relocated further south and not intersect with Connection 7;

- Connection 10: a north/south Local Street would be consolidated with the extension of Junction Place (shown in circles);

- Connection 12, an east/west alley would be moved to the north to serve as an alley for the properties fronting onto Valmont Road; and

- Connection 13, a north/south Local Street would be moved approximately 50 feet to the west.

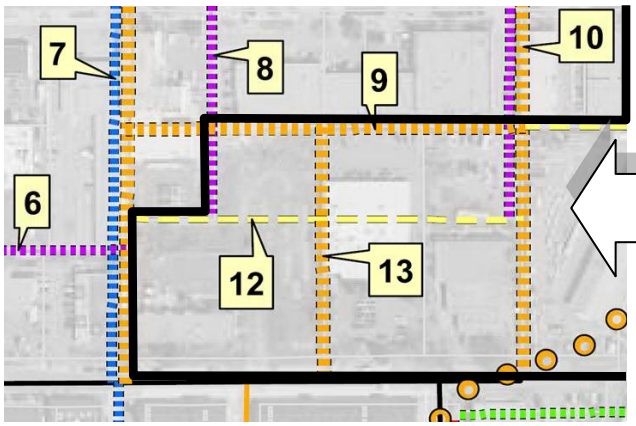


Figure 5:
Existing TVAP Numbered Connections within the S'PARK_west Portion of the Proposed Project

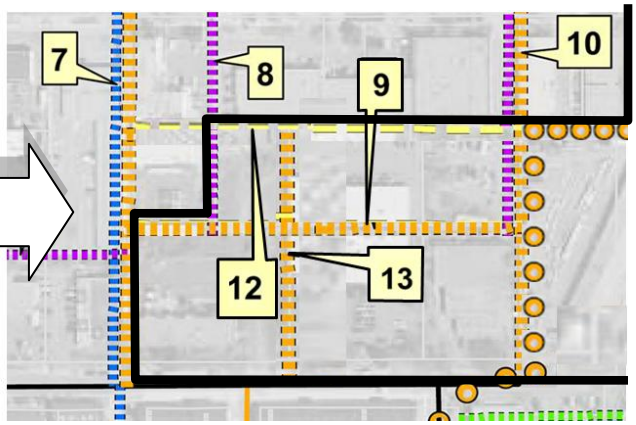


Figure 6:
Proposed TVAP Numbered Connections within the S'PARK_west Portion of the Proposed Project

Other connections within, or adjacent to the S'PARK plan include Connections 7 and 8. Note that Connection 8 (a sidewalk) is planned to be implemented through the site consistent with TVAP. Because Connection 7 is unlikely to extend to Valmont Road in the near term future, (due to fully functional service commercial uses along Valmont Road) and because that connection is not necessary to serve the proposed project, Connection 7 would be implemented in future surrounding redevelopment. In addition, Connection 10 is also unlikely to extend to Valmont Road in the near term future due to existing buildings to the north located on Valmont Road and given the functional Service Commercial zoning.

The partial consolidation of 10 and Junction Place is an alignment of Junction Place orthogonally through the site. The TVAP Connections Plan notes that the Junction Place alignment is flexible, and the applicant has created a more orthogonal grid to serve the urban design of the proposed new neighborhood. The applicant is also proposing a new "woonerf" planned as a shared street (shown in Figure 4 above) that is slow moving and shared with all modes of travel – where cars are considered a "guest" on the street. It is not intended as a "cut-through" street but one that holds a number of pedestrian amenities.

Planning Process. During the concept planning process for the proposed project, the applicant worked with the city's senior urban designer and senior transportation staff to review the proposed changes to the TVAP connections plan. It was acknowledged at that time that the number of connections thorough the three properties that comprise the S'PARK_west portion of the project and located on Bluff street (3085, 3155 and 3195) significantly constrained the developability to create appropriately sized buildings, streets and open spaces. Staff, in working with the applicant noted that the changes planned to the connections could be made in a manner that is equivalent to the TVAP connections plan in that there ultimately could be three connections that intersect with Valmont Road in this location.

ANALYSIS

Changes to the TVAP Connections Plan require Planning Board approval and, if connections are consolidated or eliminated, City Council approval is required as well. Any amendment to the Connections Plan will be permitted upon a finding that one of the criteria has been met:

1. Such amendment is due to a physical hardship or practical hardship that would prevent construction of the connection;

2. The connection is made in a manner that is equivalent to the connection shown on the Connections Plan; or

3. Such amendment is consistent with the objectives of the Connections Plan described above.

As noted on page 42 of TVAP,

> "*amendments to the Connections Plan generally will be reviewed either administratively or by the Planning Board. The process provides some flexibility to relocate proposed facilities to reflect site-specific considerations while ensuring that the connections necessary to realize a fully integrated multimodal network are created. Significant changes to key proposed connections require an amendment to the plan by the Planning Board. In most cases, elimination of a proposed connection requires approval by both the Planning Board and City Council. Minor variations from the plan can be approved by the city manager. Amendment requests can be processed in conjunction with a Site Review."*

In this case, what is proposed technically constitutes an elimination and therefore, City Council approval will be required (and a condition of approval has been added to that effect).

Any amendment to the Connections Plan will be permitted upon a finding that one of the criteria has been met:

1. Such amendment is due to a physical hardship or practical hardship that would prevent construction of the connection;

   Relocation of connection no. 13 allows the applicant to construct the 45 proposed permanently affordable dwelling units. If the connection bisected this area, the number of affordable units would have been reduced. In this case, it is a practical hardship as the

applicant had applied for and received funding specific to a set number of units of permanently affordable residential. In weighing the practical aspects of the change to the connection, that still achieves the connectivity but provides for permanently affordable housing, staff finds the amendment meets the standard.

2. The connection is made in a manner that is equivalent to the connection shown on the Connections Plan; (or)

   The relocation to the west and the consolidation of connection no. 10 with Junction Place from Bluff Street to Meredith Street serves the connection and connection no. 10 is not precluded from extending north as properties to the north redevelop. In addition, the Junction Place alignment is considered flexible and the intent of an "amenitized" street for Junction Place is fulfilled with the woonerf.

3. Such amendment is consistent with the objectives of the Connections Plan described above. In those instances where the standards above cannot be met, the amendment will be considered legislative in nature and require approval by the Planning Board and City Council.

   The amendments to connections, 9, 10, 12, and 13 are consistent with the objectives of the connections plan as the proposed connections are appropriately spaced and establish a fine-grained, multimodal network of transportation connections. .

   Due to the partial elimination of connections 9 and 10, City Council must approve requested amendments as noted on page 43 of TVAP shown below.

Approval Requirements for Amendments to the Connections Plan				
	Relocation greater than 50′ or onto an adjacent property	Relocation less than 50′	Addition	Elimination
Streets				
Collector Street	**Planning Board**	**Administrative**	**Planning Board**	**Planning Board and City Council**
Local Street	**Planning Board**	**Administrative**	**Administrative**	**Planning Board and City Council**
Alley	**Administrative**	**Administrative**	**Administrative**	**Administrative except along 29 1/2 alignment[2]**
Paths				
Multi-use Path	**Administrative**	**Administrative**	**Administrative**	**Planning Board and City Council**
Pedestrian Walkway	**Administrative**	**Administrative**	**Administrative**	**Planning Board and City Council**

[2] Elimination of the alley proposed along the 29 1/2 alignment must be approved by the Planning Board and City Council.

Conclusion. At the Planning Board hearing, the board unanimously approved (7-0) the amendments to the TVAP Connections Plan as shown on the Applicant's plans, finding such amendments to be consistent with the objectives of the Connections Plan in that the proposed

connections are appropriately spaced and establish a fine-grained, multimodal network of transportation connections. Therefore, staff recommends City Council approve the motion to allow changes to the Transit Village Area Plan Connections Plan as proposed within Site Review application no. LUR2015-00010 for the mixed use project referred to as S'PARK.

ATTACHMENTS:

Attachment A: Applicant's Written Statement and Project Plans

Due to the size and number of pages of the plan set, Attachment A was too large to include in the memo. Therefore, a complete set of plans is available in the City Council office of the City Manager's Office.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE:
Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8083 designating the building and property at 2322 23rd St., to be known as the Herkert-Glasser Cottage, as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2015-00077).

Owner/Applicant:Douglas Johnson and Theresa Hernandez

PRESENTERS:
Jane S. Brautigam, City Manager
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Debra Kalish, Senior Assistant City Attorney
Lesli Ellis, Comprehensive Planning Manager
James Hewat, Senior Historic Preservation Planner
Marcy Cameron, Historic Preservation Planner

EXECUTIVE SUMMARY:
The purpose of this item is to allow the City Council to determine whether the proposed individual landmark designation of the building at 2322 23rd St. meets the purposes and standards of the Historic Preservation Ordinance *(Sections 9-11-1 and 9-11-2, B.R.C. 1981)*. The property owner is in support of the designation.

If approved, this ordinance (see **Attachment A**) would designate the building as an individual landmark. The findings are included in the ordinance. On September 2, 2015, the Landmarks Board passed a resolution to initiate landmark designation pursuant to § 9-11-3, *Initiation of Designation for Individual Landmarks and Historic Districts*, B.R.C. 1981, finding that it met the criteria for Individual Landmark Designation. The board voted 4-0 to recommend the designation to City Council. The second reading for this designation will be a quasi-judicial public hearing.

PROPERTY DESCRIPTION:
The house at 2322 23rd St., constructed around 1923, is located on a 902 sq. ft. lot on the east side of 23rd St. between Mapleton Ave. and Bluff St. An alley runs along the north side of the

property. The property is located on the most northeasterly block of the identified potential Whittier Historic District.

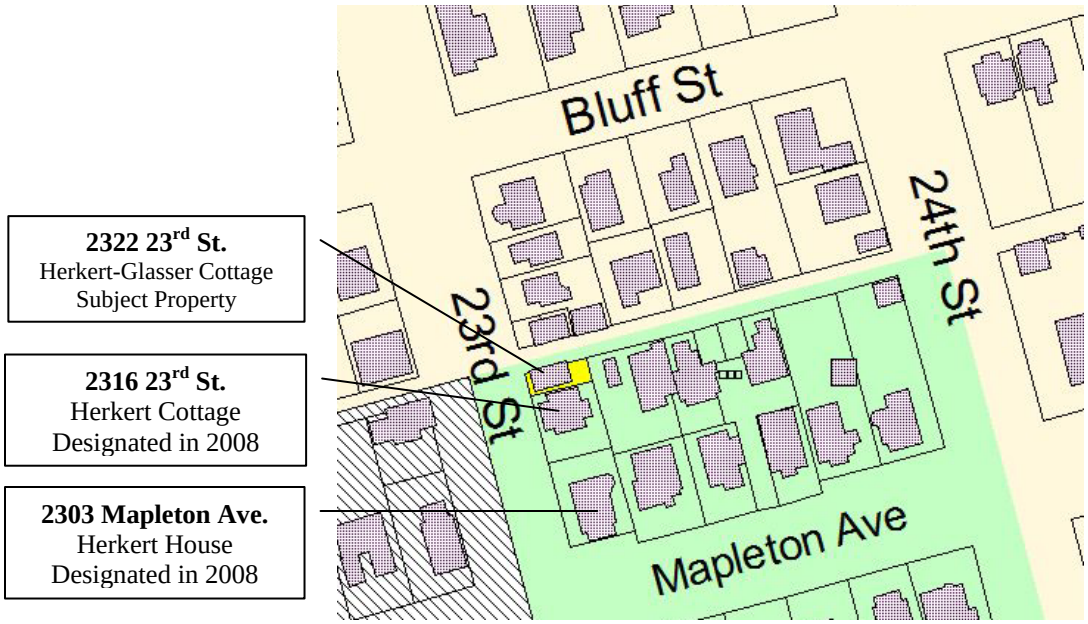


Figure 1. Location Map, 2322 23rd St.

Figure 2. West Elevation (façade), 2322 23rd St, 2015.

The gable-front bungalow house is clad in narrow wooden lap siding and has a rectangular floor plan. A porch expands the width of the façade and features tapered pier supports resting on a balustrade, stucco with half-timbering in the gable end and wood shingle cladding and a simple railing on the western portion of the knee walls. The knee walls on the north and south ends are clad in narrow lap siding. Three steps lead up the wooden porch where there is an off-center

front door and two double-hung windows to the left of the door. *See Attachment B: Current Photographs.*

Figure 3. North Elevation, 2322 23rd St, 2015.

The north elevation (facing the alley) features a single opening at the east end. The diamond pane window is surrounded by simple trim. Exposed rafter tails add to the architectural interest of the building.

Figure 4. East Elevation (rear), 2322 23rd St, 2015.

A small shed roof addition is located at the east (rear) elevation. The addition is clad in novelty wood siding and features a diamond pane window on the north wall and a six-light window on

the east wall, next to a centrally located door. It is older, but not likely original. The shed addition has a corrugated metal roof and the gable portion of the building has a composite shingle roof. The east gable end feature stucco and half-timbering.

A small, shed-roof accessory building with novelty wood siding is located along the east property line. Its date of construction is unknown, but the form and materiality is typical of 1920s construction. Likely due to its diminutive size, the building is not acknowledged by the tax assessment (1929 and 1949) and is also not included in the 1987 Historic Building Inventory Form.

Figure 5. South Elevation, 2322 23rd St, 2015.

The south elevation features three window openings with simple wooden trim. The building rests on a concrete foundation. A flagstone path runs adjacent to the south elevation.

The integrity of the bungalow remains intact, as there have been no major modifications to the house since its construction. A rear shed-roof addition was likely constructed in the 1920s and does not detract from the historic character of the house. The house represents Boulder's pre-World War I residential buildings and is an excellent example of a modestly sized house with Craftsman Bungalow design elements.

Figure 6. Tax Assessor Card Photo, c. 1949.

HISTORY

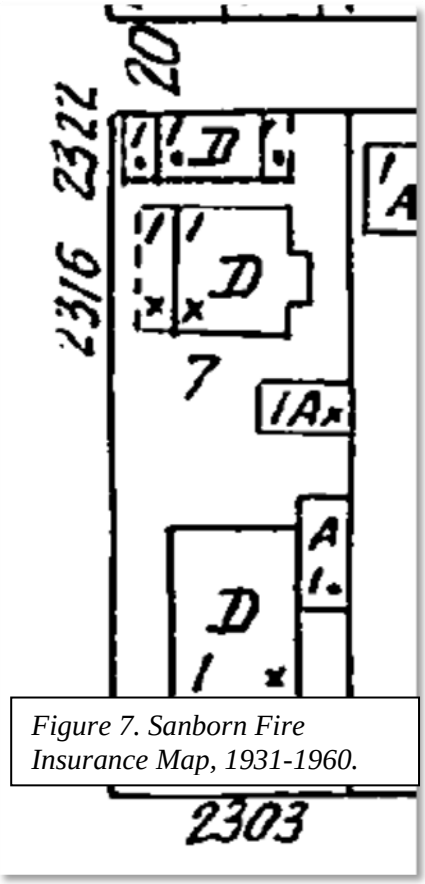


Figure 7. Sanborn Fire Insurance Map, 1931-1960.

Constructed c. 1923, the history of the house at 2322 23rd St. is directly tied to the two houses to the south, 2303 Mapleton Ave. (the Herkert House, built 1906) and 2316 23rd St. (the Frank Herkert Cottage, built 1924), as they were constructed by the same owner over a 22 year period. Douglas Johnson and Theresa Hernandez, the applicants, own the three properties and designated the adjacent properties in 2008. *See Attachment B: Landmark Designation Application.*

The three houses were originally constructed and occupied by Frederick Herkert and his family. Fred Herkert and his wife, Hannah, moved to Boulder from Illinois in the 1890s. Fred appears to have been a successful carpenter, building houses in Boulder and several Chautauqua cottages. Fred built the house at 2303 Mapleton Ave. for his family in 1906 and later constructed the house to the north (2316 23rd St.) and operated it as a small grocery.

According to Fred's grandchildren, Fred built the house at 2322 23rd St. c. 1923 so his newly married son, Harry and his wife, Constance, could live at 2303 Mapleton Ave. Fred lived in the house for 17 years until his death in 1940.

By 1923 Harry had established a successful stationary business called "Herkert Typewriter Exchange" at 1910 Broadway and later at 1141 Pearl St. Harry and his wife, Constance, lived at 2303 Mapleton Ave. from 1923 until 1943.

Harry Herkert sold 2322 23rd St. in 1946 to Mary Giggey. From 1953 until 1957, the house was owned by Clyde Reed, a university watchman. From 1957 until 1970, the house was owned by Mrs. Jessie Fewel. Following Mrs. Fewel's death in 1970, the property was purchased by Dallas and Diana Glasser, who owned the property for the next 40 years. The Glassers are credited by the current owners with the preservation and excellent stewardship of the property, particularly during a time when the Whittier Neighborhood was undergoing many changes and losses of historic buildings. The Glassers had been living next door at 2316 23rd since 1967. The Glassers rented 2322 23rd St. to various tenants, including Dallas Glasser's father, Albert. The Glassers moved from 2316 23rd St. in 1985 but continued to rent 2322 23rd St until 2010, when they sold the property to the current owners, Douglas Johnson and Theresa Hernandez.

STAFF RECOMMENDATION:

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

Motion to introduce and order published by title only Ordinance No. 8083, designating the building at 2322 23rd St., to be known as the Herkert-Glasser Cottage, as an individual landmark under the City of Boulder's Historic Preservation Ordinance.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

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

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

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

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

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

LANDMARKS BOARD ACTION:
On September 2, 2015 the Landmarks Board voted 4-0 to recommend to City Council that the building at 2322 23rd St. be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

ANALYSIS
CRITERIA FOR THE BOARD'S DECISION:
Section 9-11-5(c), *Public Hearing Before the Landmarks Board*, B.R.C. 1981, specifies that in its review of an application for local landmark designation, "the landmarks board shall determine whether the proposed designation conforms with the purposes and standards in Sections 9-11-1, '*Legislative Intent*,' and 9-11-2, '*City Council May Designate Landmarks and Historic Districts' B.R.C. 1981*." *See Attachment F: Chapter 9-11-1 & 9-11-2 Purposes and Intent, Boulder Revised Code, 1981*.

To assist in the interpretation of the historic preservation ordinance, the Landmarks Board has adopted significance criteria to use when evaluating applications for individual landmarks. *See Attachment G: Significance Criteria for Individual Landmarks*. The board may approve, approve with modifications, or disapprove the application. Findings must be adopted within 30 days of the hearing date. Should the board disapprove the application, the board must notify City Council of that action within fourteen days of the hearing date. City Council may call up a decision disapproving a designation. Should an application be disapproved, the same application may not be submitted for a period of one year.

If the board finds that the proposed designation conforms to Sections 9-11-1 and 9-11-2 of the B.R.C. 1981, it shall adopt specific findings and conclusions approving or modifying and approving the application. If the board approves the proposed designation, the application will be forwarded to City Council (within 100 days) for a public hearing.

ANALYSIS OF LANDMARK CRITERIA:

A. *Does the proposed application protect, enhance, and perpetuate buildings in the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past?*

   Staff finds that the designation of the house at 2322 23rd St. will protect, enhance, and perpetuate a building reminiscent of a past era important in local history and preserve an important example of Boulder's historic architecture. Staff considers the application to meet the historic criteria for individual landmark designation as outlined below:

HISTORIC SIGNIFICANCE:
Summary: The house at 2322 23rd St. meets historic significance criteria 1, 2, 3.

1. **Date of Construction:** c. 1923
   Elaboration: According to the applicant, the house was constructed c. 1923 by Fred Herkert following the marriage of his son. The address first appears in city directories in 1928. The house was previously associated with the houses at 2316 23rd St. and 2303 Mapleton Ave.

2. **Association with Persons or Events**: Fred Herkert
   Elaboration: Fred Herkert was born in Illinois in the 1860s. He travelled to Boulder with his wife, Hannah, in the 1890s. Fred led a successful career as a carpenter, building many houses in Boulder and several Chautauqua cottages. In addition to building the house at 2322 23rd St., he also built 2303 Mapleton in 1906 and 2316 23rd St. in 1924. Fred constructed 2322 23rd as his residence from 1923 to his death in 1940.

3. **Development of the Community:** The house is typical of post-WWI residential building.

4. **Recognition by Authorities:** Historic Building Inventory Form, 1988.
   Elaboration: The 1988 Historic Building Inventory Form found the property to be in excellent condition with minor alterations. The form notes that the house is significant as it represents a type, period or method of construction, noting that "this building, which has bungalow styling, represents Boulder's post World War I residential building."

ARCHITECTURAL SIGNIFICANCE:
Summary: The house at 2322 23rd St. meets historic significance criteria 1 and 3.

1. **Recognized Period or Style:** Bungalow
   Elaboration: The house has elements of the Bungalow style popular in the 1920s and 1930s. While relatively simple in design and detailing, the house is a well-preserved and indicative example of bungalow architecture from the interwar period of development in the area.

2. **Architect or Builder of Prominence:** None Observed
   Elaboration: Fred Herkert was a local carpenter and built many house in Boulder. He is responsible for building 2322 23rd St. as well as the neighboring houses at 2316 23rd St. and 2303 Mapleton Ave. and credited with the construction of cottages at Chautauqua.

3. **Artistic Merit:** Bungalow styling
   Elaboration: The house embodies skillful integration of design and material which is of excellent visual quality.

4. **Example of the Uncommon:** None observed.

5. **Indigenous Qualities:** None observed.

B. *Does the proposed application develop and maintain an appropriate setting and environment for the historic resource and area to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the City's living heritage?*

Staff finds that the proposed designation maintains an appropriate setting for the historic resource at 2322 23rd St. and enhances property values, promotes tourist trade and interest, and fosters knowledge of the City's living heritage. Staff considers that the application meets the environmental significance criteria for individual landmark designation as outlined below:

ENVIRONMENTAL SIGNIFICANCE:
Summary: The house at 2322 23rd St. has environmental significance under criteria 1, 2, 4 and 5.

1. **Site Characteristics:** Residential historic character
   Elaboration: The house is sited along 23rd St. between Mapleton Ave. and Bluff St. It is located within the boundaries of the identified potential Whittier Historic District and the house retains its historic residential character.

2. **Compatibility with Site:** Residential historic character
   Elaboration: The building is representative of the typical building patterns in Whittier and contributes to the residential character of the neighborhood. The property retains its historic relationship to its lot and surrounding neighborhood.

3. **Geographic Importance:** House is a familiar visual feature on 2300 block of 23rd St. as they are located very close to the sidewalk.

4. **Environmental Appropriateness:** Residential historic character
   Elaboration: The house and surroundings are complementary and careful integrated.

5. **Area Integrity:** Potential Whittier Historic District
   Elaboration: The 2300 block of 23rd St. is located in the identified potential Whittier Historic District and retains a high degree of historic integrity to the original development of that neighborhood.

   In 1987, a survey of approximately 350 pre-1937 buildings within the Whittier neighborhood was completed. That survey concluded that the area bounded by Bluff St. on the north, Spruce St. on the south, 28th St. on the east, and Broadway on the west was eligible for designation as a local historic district.[2] The origins of the Whittier neighborhood date to the founding of the Boulder in 1859 when 4,044 lots were laid out in the city including those in the east Boulder addition (now known as Whittier) that ran east to 25th St. Whittier is a large neighborhood and its properties represent a wide range of income levels and lifestyles. The western section of Pine St., for instance, contains houses originally built for some of Boulder's wealthiest residents, while the eastern end of Pine St. was historically a working class area. 2322 23rd St. is located in the more

[2] The information in this section is taken primarily from the 1988 *Whittier Survey Report* by Front Range Research Associates.

modest part of the area which is characterized by small and medium-sized vernacular buildings.

C. Does the proposed application draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives?(See Subsection 9-11-1(b), B.R.C. 1981).

Staff finds this application draws a reasonable balance between private property rights and the public's interest in preserving the city's cultural, historic, and architectural heritage. The property owner supports the designation.

Landmark Name:
Staff considers that the landmark should be named the **Herkert-Glasser Cottage,** given its association with the Herkert family, who constructed and resided there for many years and for the Glassers, who are credited with the preservation and careful stewardship of the property during their 40-year ownership. This is consistent with the Landmark Board's *Guidelines for Names of Landmarked Structures and Sites (1988)* and the *National Register of Historic Places Guidelines for Designation*.

Boundary Analysis:
The building sits on a residential lot measuring approximately 900 sq. ft. in size. Staff recommends that the boundary be established to follow the property lines of the lot, which is consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries.

Figure 11: Proposed Landmark Boundary (dashed line).

OPTIONS:

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

Approved By:

_____
Jane S. Brautigam,
City Manager

ATTACHMENTS:
A: Ordinance No. 8083
B: Sections 9-11-1 and 9-11-2, "Purposes and Intent," B.R.C., 1981
C: Significance Criteria for Individual Landmarks

ORDINANCE NO. 8083

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 2322 23RD ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE RAVENSCRAFT HOUSE, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

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

Section 2. The City Council finds that: 1) on or about March 17, 2015, property owners Douglas Johnson and Theresa Hernandez applied to the City of Boulder to designate the building and property at said property as a landmark; 2) the Landmarks Board held a public hearing on the proposed designation on September 2, 2015; and 3) on September 2, 2015, the Board recommended that the City Council approve the proposed designation.

Section 3. The City Council also finds that upon public notice required by law, the council held a public hearing on the proposed designation on October 20, 2015 and upon the basis of the presentations at that hearing finds that the building and the property at 2322 23rd St. possesses a special character and special historic, architectural, or aesthetic interest or value warranting its designation as a landmark.

Section 4. The characteristics of the subject property that justify its designation as a landmark are: 1) its historic significance is relevant to its construction in the 1920s, its association with Fred Herkert, a local builder; and 2) its architectural significance indicative of a vernacular frame

construction with Bungalow elements, and; 3) its environmental significance for its location within the potential Whittier Historic District, which retains its residential historic character.

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

Section 6. There is hereby created as a landmark the building and property located at 2322 23rd St., also known as the Herkert-Glasser Cottage, whose legal landmark boundary encompasses a portion of the legal lots upon which it sits:

LOT 7 LESS SLY 124 FT BLK 184 BOULDER EAST

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

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

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.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 6TH DAY OF OCTOBER, 2015.

_____

Mayor

Attest:

_____

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY THIS 20TH DAY OF OCTOBER, 2015.

.

_____
Mayor

Attest:

_____
City Clerk

Exhibit A – Landmark Boundary Map for 2322 23rd St.

LOT 7 LESS SLY 124 FT BLK 184 BOULDER EAST

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

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

(a) The purpose of this chapter is to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the city reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this chapter to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest, and foster knowledge of the city's living heritage.

(b) The City Council does not intend by this chapter to preserve every old building in the city but instead to draw a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings and structures important to that heritage will be carefully weighed with other alternatives and that alterations to such buildings and structures and new construction will respect the character of each such setting, not by imitating surrounding structures, but by being compatible with them.

(c) The City Council intends that in reviewing applications for alterations to and new construction on landmarks or structures in a historic district, the Landmarks Board shall follow relevant city policies, including, without limitation, energy-efficient design, access for the disabled and creative approaches to renovation.

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

(a) Pursuant to the procedures in this chapter the City Council may by ordinance:

(1) Designate as a landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural, or aesthetic interest or value and designate a landmark site for each landmark;

(2) Designate as a historic district a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural, or aesthetic interest or value and constituting a distinct section of the city;

(3) Designate as a discontiguous historic district a collection of sites, buildings, structures, or features which are contained in two or more geographically separate areas, having a special character and historical, architectural, or aesthetic interest or value that are united together by historical, architectural, or aesthetic characteristics; and

(4) Amend designations to add features or property to or from the site or district.

(b) Upon designation, the property included in any such designation is subject to all the requirements of this code and other ordinances of the city.

SIGNIFICANCE CRITERIA
Individual Landmark
September 1975

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

Historic Significance

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

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

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

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

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

Other, if applicable.

Architectural Significance

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

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

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

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

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

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

Other, if applicable.

Environmental Significance

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

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

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

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

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

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

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8084 amending Section 4-2-4, "State Law Procedures Apply," B.R.C., 1981, eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Bob Eichem, Chief Financial Officer
Sandra M. Llanes, Senior Assistant City Attorney
Mishawn Cook, Licensing and Collection Administrator

EXECUTIVE SUMMARY

At the May 5, 2015 City Council meeting, a representative from Quality Inn & Suites spoke during the public comment period and stated that the hotel would like to apply for a beer and wine license but was unable to do so because his business is located within 500 feet of Naropa University. State law prohibits the issuance of a liquor license to a business located within 500 feet of a school or university, but provides local governing bodies with the ability to remove this restriction by waiver. A waiver must be implemented by ordinance.

City Council requested that staff bring forward an ordinance to address the matter. The purpose of this agenda item is to propose an ordinance waiving the 500 foot rule for Naropa University. The memorandum also provides a brief history of the 500 foot waiver rule. Adoption of the proposed ordinance would create the ability for Quality Inn &

Suites and other establishments located within 500 feet of Naropa University to apply for beer and wine licenses.

STAFF RECOMMENDATION

Suggested Motion Language:
Staff requests Council consideration of this matter and action in the form of the following motion:
Motion to introduce and order published by title only an ordinance amending Section 4-2-4, "State Law Procedures Apply," B.R.C., 1981, eliminating the principal campus of Naropa University from the application of the 500 foot distance restriction imposed by the Colorado Liquor Code for Beer and Wine licenses only, and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Will likely have a positive impact on the business community that could also positively impact city revenues in the form of license fees and tax.
- Environmental - None
- Social – Will create more opportunities for establishments to acquire liquor licenses within the city. If not adequately managed, this could create additional possibilities for underage service or over service of alcohol. It will also have a positive impact on Naropa University's conferences in that it will create the possibility of service of alcohol to enhance the conference experience.

OTHER IMPACTS

- Fiscal – City licensing is able to defray approximately 70% of the administrative cost for liquor license application processing with the application and license fees collected. The city is currently at the maximum license fee amount permitted by the state. The city will not be able to exceed the 70% cost recovery level. In the instance of issued beer and wine liquor licenses, the city receives occupation tax and would also receive any resulting increase in sales tax, admissions tax, food service tax, and accommodations tax that may stem from newly issued beer and wine liquor licenses. The number of new license applications and the amount of new tax paid is unknown.
- Staff Time – City licensing has sufficient staff to complete the necessary 500 foot measurements for applications adjacent to Naropa University, and to process new liquor license applications that may result from this BRC change.

BOARD AND COMMISSION FEEDBACK

The Beverage Licensing Authority discussed Quality Inn's request for waiver at its September meeting. While the BLA did not take a formal vote, the Chair observed that the Authority is divided on this issue, with two members recommending extreme caution

and the other members viewing the request as one similar to the prior waiver in place for CU's principal campus. The consensus of the BLA was that if Council should decide to grant a waiver, the waiver should be similar to the one granted to CU's principal campus. That is, it should only allow beer and wine licenses within 500 feet of Naropa's principal campus.

PUBLIC FEEDBACK

Naropa University has provided a letter of support for the issuance of a beer and wine license to Quality Inn & Suites. **Attachment E**

BACKGROUND & ANALYSIS

State law provides that no liquor license may be granted to a business located within 500 feet of any school. However, state law provides local governments with the ability to waive that restriction under two scenarios. A local government may "eliminate or reduce the distance restrictions . . . for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restriction."

Section 4-2-4, B.R.C. (adopted in 1987 and amended as recently as 2013) contains a waiver that allows the city to accept a liquor license application for establishments located within 500 feet of the University of Colorado. It eliminates the distance requirement for the principal campus of CU, but only allows for hotel-restaurant liquor and beer-wine licenses. The current code reads as follows:

Section 4-2-4, "State Law Procedures Apply," B.R.C. 1981.

(a) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearings, and decisions for state liquor or fermented malt beverages apply to city licenses. The principal campus of the University of Colorado is eliminated from the application of the 500 foot distance restriction of § 12-47-313(1)(d)(I), C.R.S., for hotel-restaurant and beer and wine liquor licenses only. For the purposes of this section, the principal campus is defined as the area generally circumscribed by Broadway Street on the west; Baseline Road on the south; 28th Street, Colorado Avenue, and Folsom Street on the east; and Boulder Creek, 17th Street, and University Avenue on the north.

(b) The optional procedures set forth in §§ 12-47-601(3) to (6), C.R.S., are accepted and adopted for application by the Beverage Licensing Authority.

The Quality Inn & Suites is located approximately 393 feet from Naropa University. The hotel is ineligible to apply for a liquor license, because it is within 500 feet of a school or university. There are also several other establishments located within 500 feet of Naropa University who are ineligible to apply for a liquor license because of their proximity to the school. **Attachment D**. The proposed ordinance would eliminate this restriction and allow Quality Inn, and other businesses within 500 feet of Naropa University, to apply for

a liquor license. City staff would measure the 500 foot boundary using the description in Section 4-2-4 (b), B.R.C., and the Naropa University boundaries. **Attachment C**.

MATRIX OF OPTIONS

There are several options that Council could take with respect to this matter. They are as follows:

Option 1 – Eliminate Naropa University's principal campus from the 500' restriction.

Naropa University's principal campus is located at 2130 Arapahoe Avenue in Boulder Colorado. The city has the ability to create a waiver that removes the principal campus of Naropa from the 500 foot restriction. This would mean that any business located within 500 feet of Naropa would now be eligible to apply for any class of liquor license.

Option 2 – Eliminate a class of license from the 500' restriction.

The city also has the ability to eliminate a class of license (for example Beer & Wine) from the 500 foot restriction. This would have the effect of removing the distance restriction throughout the city for Beer & Wine licenses only.

Option 3 – Reduce the distance restriction for any class of license.

The city has the ability to reduce the distance restriction from 500 feet to something less than 500 feet for a particular class of license. This would have the effect of allowing establishments located within 375 feet (or some other defined distance) of a school or university to apply for a license, but could be limited, for example, to beer and wine licenses only.

Since CU is currently eliminated from the 500 foot restriction for hotel-restaurant and beer and wine licenses only, the city would need to clarify whether the shorter distance would be applied to CU's current waiver or whether the waiver would remain the same.

Option 4 – Eliminate Naropa University's principal campus from the 500' restriction and limit it to a class of license.

The city has the ability to remove Naropa's campus from the 500 foot restriction, and limit it to a certain class of license (i.e. Beer & Wine). This would have the effect of allowing beer and wine license applications within 500 feet of Naropa University. This option is most similar to what the city has in place now with CU and is incorporated in the proposed ordinance as staff's recommendation to respond to Council's direction. **Attachment A.**

Option 5 – No action

The existing waiver for CU with respect to beer & wine licenses and hotel-restaurant licenses would remain in place.

STAFF RECOMMENDATION

If Council wishes to increase the ability of establishments to obtain liquor licenses in the area located within 500 feet of Naropa University, staff recommends adoption of Attachment A – Proposed Ordinance for beer and wine licenses only also described as Option 4 above.

ATTACHMENTS

Attachment A – Proposed Ordinance
Attachment B – Aerial Map of Naropa Arapahoe Campus and Vicinity
Attachment C – Naropa University Boundaries
Attachment D – Map showing other businesses located within 500 feet of Naropa
Attachment E – Naropa letter of support

ORDINANCE NO. 8084

AN ORDINANCE AMENDING SECTION 4-2-4, "STATE LAW PROCEDURES APPLY," B.R.C. 1981, ELIMINATING THE PRINCIPAL CAMPUS OF NAROPA UNIVERSITY FROM THE APPLICATION OF THE 500 FOOT DISTANCE RESTRICTION IMPOSED BY THE COLORADO LIQUOR CODE FOR BEER AND WINE LICENSES ONLY, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 4-2-4, B.R.C. 1981, is amended to read:

4-2-4. - State Law Procedures Apply.

(a) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearing, and decisions for state liquor or fermented malt beverages apply for city licenses. The principal campus of the University of Colorado is eliminated from the application of the 500-foot distance restriction of § 12-47-313(1)(d)(I), C.R.S., for hotel-restaurant and beer and wine liquor licenses only. For the purposes of this section, the principal campus is defined as the area generally circumscribed by Broadway Street on the west; Baseline Road on the south; 28th Street, Colorado Avenue, and Folsom Street on the east; and Boulder Creek, 17th Street, and University Avenue on the north.

(b) Provisions of the Colorado Liquor Code and the Colorado Beer Code governing procedures for applications, hearing, and decisions for state liquor or fermented malt beverages apply for city licenses. The principal campus of the Naropa University is eliminated from the application of the 500-foot distance restriction of § 12-47-313(1)(d)(I), C.R.S., for beer and wine liquor licenses only. For the purposes of this section, the principal campus is defined as the area generally circumscribed by Arapahoe Avenue on the north; Marine Street and the University of Colorado on the south; a business at 2034 Arapahoe and University of Colorado residences on the west; and a multi-use bike path on the east.

(c~~b~~) The optional procedures [7] set forth in §§ 12-47-601(3) to (6), C.R.S., are accepted and adopted for application by the Beverage Licensing Authority.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

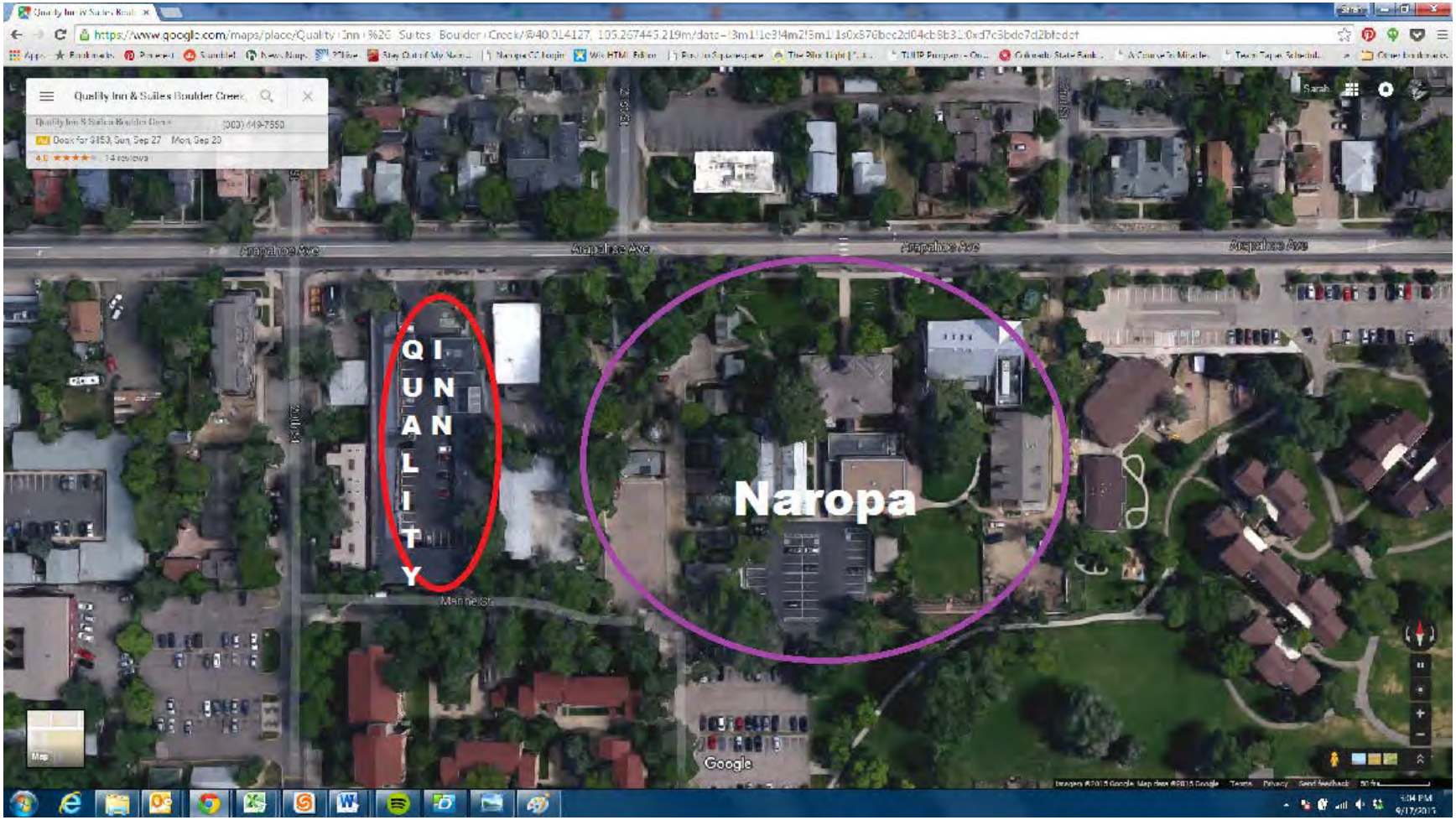
_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 2015.

_____
Mayor

Attest:

_____
City Clerk


Quality Inn & Suites Boulder Creek
Arapahoe Ave
QUALITY INN
Naropa
Google

Naropa University Main Campus

City of Boulder, Colorado

All rights reserved. The map information contained hereon is intended for the sole use of the purchaser and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Boulder. The information depicted is provided as a graphical representation only. While source documents were developed in compliance with National Map Accuracy Standards, the City of Boulder provides no guarantee, express or implied, as to the accuracy and/or completeness of the information contained hereon. Printed on 7/20/2015.

Naropa Campus Boundary

N

0 100 200 Feet

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Naropa University Main Campus

City of Boulder, Colorado

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Businesses within 500 feet

Naropa 500 foot Buffer

Naropa Housing

Naropa Campus

Buffer distance is approximate, actual distances are measured using a route of direct pedestrian access.

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NAROPA UNIVERSITY

January 26, 2014

S. Jarvie Worcester, Jr.
Boulder Hotel Group, LLC
2020 Arapahoe Ave.
Boulder, CO 80203

RE: Quality Inn and Suites, Boulder Creek – Beer and Wine License

Dear Mr. Worchester,

On behalf of Naropa University, I am writing to support your application for a beer and wine license for Quality Inn and Suites located at 2020 Arapahoe Avenue. We believe strongly in supporting local businesses, and we note with pride the level of business that we have brought to local hotels. Naropa University frequently hosts a number of high-level speakers and special guests at the Quality Inn and Suites, and approval of the license would bring added value and convenience to our guests.

Naropa University has been a long-time client of The Quality Inn and Suites for several years and typically books between 350-500 room nights a year for our summer and fall writing programs and conferences. We look forward expanding this relationship with the new ownership and believe that the ability to serve wine to guests, will truly enhance the experience for the participants attending our programs and events and make The Quality Inn and Suites a more attractive option for those visiting Naropa.

Please let us know if we can offer any further support to your establishment and thank you for being such a great community partner to Naropa.

Sincerely,

Todd J. Kilburn
Vice President for Business Affairs and Chief Financial Officer

2130 ARAPAHOE AVENUE ▪ BOULDER, COLORADO 80302-6697
TELEPHONE 303-546-3572 ▪ 1-800-772-6951 ▪ FAX 303-444-0410 ▪ www.naropa.edu

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE: Consideration of the following items relating to the 2016 Budget:

1. Public hearing on the proposed 2016 City of Boulder Budget; and
2. Introduction, first reading, and consideration of a motion to order published by title only Ordinance No. 8085 that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2016 and ending on the last day of December 2016, and setting forth details in relation thereto; and
3. Introduction, first reading, and consideration of a motion to order published by title only Ordinance No. 8086 that establishes the 2015 City of Boulder property tax mill levies which are to be collected by the County of Boulder, State of Colorado, within the City of Boulder in 2016 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
4. Introduction, first reading, and consideration of a motion to order published by title only Ordinance No. 8087 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2016 fiscal year of the City of Boulder, commencing on the first day of January 2016, and ending on the last day of December 2016, and setting forth details in relation thereto; and
5. Introduction, first reading, and consideration of a motion to order published by title only Ordinance No. 8088 that amends Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981 changing certain fees, and setting forth details in relation thereto.

PRESENTERS
Jane S. Brautigam, City Manager
Bob Eichem, Chief Financial Officer
Cheryl Pattelli, Director of Finance
Peggy Bunzli, Budget Officer
Mary Ann Weideman, Assistant City Manager
Maureen Rait, Executive Director of Public Works
David Driskell, Executive Director of Community Planning and Sustainability
Michael Calderazzo, Fire Chief

Tom Carr, City Attorney
Carl Castillo, Policy Advisor
Don Ingle, Director of Information Technology
Karen Rahn, Director of Human Services
Molly Winter, Director of Community Vitality

EXECUTIVE SUMMARY

The purpose of this item is the adoption of the 2016 budget and other related ordinances to appropriate city funds as presented in the 2016 Recommended Budget, for the 2016 fiscal year.

The 2016 Recommended Budget was reviewed with City Council during the study session on Sept. 8, 2015[1]. This memo contains additional information related to items discussed at the 2016 Recommended Budget study session as well information related to additional council questions following the study session.

To facilitate council review of the 2016 Recommended Budget, staff has also prepared a single list of each change proposed for the budget that occurred after council received the 2016 Recommended Budget document (see **Attachment A**). **Attachment B** provides a summary of all city funds and shows the impact to fund balance of the proposed budget.

Adoption of the ordinance that establishes the 2015 mill levy (unchanged from 2014) for the city and the ordinance that changes certain codified fees is also requested.

The Downtown Commercial District (formerly known as the Central Area General Improvement District), the University Hill Commercial District (formerly known as University Hill General Improvement District), the Boulder Municipal Property Authority (BMPA), the Forest Glen Transit Pass General Improvement District, the Boulder Junction General Improvement District for Parking, and the Boulder Junction Improvement District for Transportation Demand Management (TDM) budgets are not included with these ordinances. They will be appropriated by resolution under a separate agenda item on Oct. 20, 2015, coinciding with the second reading of the city budget.

STAFF RECOMMENDATION

Staff recommends adoption of the following four ordinances:

- **Budget Adoption Ordinance (Attachment C)**
  The Charter of the City of Boulder requires that, before the city establishes the property tax mill levy, the annual budget that summarizes sources and uses must be approved. The ordinance included in this packet incorporates the 2016 Recommended Budget.

[1] The 2016-2021 Draft Capital Improvements Program (CIP) was reviewed with City Council during the study session on Aug. 11, 2015. A summary of the CIP study session was included in the materials for the Sept. 15 City Council meeting (consent agenda). Additional information related to the CIP study session was provided in Attachment B to the September 8 Study Session memo and further information is included in Attachment I to this memo.

- **Mill Levy Ordinance (Attachment D)**
  As a result of the passage of Ballot Issue 201, "Retention of Property Tax Funds" approved by voters on Nov. 4, 2008, the remaining restrictions on property tax collected by the City of Boulder have been eliminated. Ballot Issue 201 had the effect of reducing the mill levy credit by 0.50 mill each year until the credit was completely eliminated. The mill levy credit was completely eliminated in the 2011 mill levy calculation (for 2012 property tax collections).
  The ordinance included in this packet sets the 2015 mill levy for collection in 2016. The following is the mill levy for 2015 (this is unchanged from 2014):

Mill Levy	11.981

- **Appropriation Ordinance (Attachment E)**
  This ordinance appropriates funds as stated in the budget ordinance for 2016.

- **Fees Ordinance (Attachment F)**
  City fees are adjusted based on costs of providing city services and depend on calculations of inflation, pricing guidelines, or service-specific cost analysis. The annual budget process also provides an opportunity to review and clarify the Boulder Revised Code language related to fees and rates.

Suggested Motion Language

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

- Motion to introduce and order published by title only an ordinance adopting the 2016 budget;
- Motion to introduce and order published by title only an ordinance establishing the property tax mill levy for 2015 to be collected in 2016;
- Motion to introduce and order published by title only an ordinance appropriating the 2016 budget; and
- Motion to introduce and order published by title only an ordinance changing certain fees.

OTHER IMPACTS

- **Fiscal -** This item will appropriate funds to implement the City of Boulder's 2016 budget. This budget is based on the City Manager's 2016 Recommended Budget and in accordance with City Council's feedback provided during the study session. In addition to the budget ordinances, the property tax mill levy and fees ordinance are also included. These ordinances are necessary to fund the annual budget in full.

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

BACKGROUND AND ADDITIONAL INFORMATION

A City Council study session on the 2016 Recommended Budget was held on Sept. 8, 2015[2]. The following provides additional information and options related to 2016 Recommended Budget proposed positions. Also included is information related to parking fees, in response to council questions following the Sept. 8 study session.

Attachment G provides additional information on the following items discussed at the Sept. 8 study session:

- Colorado Climate Coalition
- Legal assistance to Boulder mobile home owners
- Public Wi-Fi
- Living Wage
- Bilingual liaison support
- Subcommunity and area planning
- Library Fund
- Property tax limitations
- Financial reserves in city funds
- "Other" revenues

Attachment H provides historical information on City of Boulder staffing levels from 2002 to 2016 (recommended), as requested by a member of council.

Organizational Capacity and Staffing

In response to council's questions and feedback related to proposed additional Full Time Equivalent (FTE) positions in the 2016 Recommended Budget, staff reviewed each of the additional positions being proposed. The initial review produced a list of 13.25 FTE that staff believed warranted more extensive review, to determine if these positions could be removed from the proposed budget, delayed or if the service could be contracted out. Of the 13.25 FTE, staff has identified two FTE that are crucial to city operations and the organization's ability to reliably support community priorities, six FTE that are highly important to council and community priorities, and 5.25 FTE that are needed to support community priorities but could be deferred. Staff has prioritized these 13.25 FTE below (in order of lowest to highest priority).

Staff believes that there is a documented need for each of the proposed positions, including the 13.25 FTE listed below[3]. However, if council believes that fewer staff should be added than proposed in the 2016 Recommended Budget, staff recommends first deferring the addition of the positions under the "Important to the organization's ability to support council and community priorities, but could be deferred for at least a

[2] A summary of the 2016 Recommended Budget study session is included in the materials for the Oct. 6 City Council meeting (consent agenda).

[3] At present, the budget ordinances have been prepared based on the staffing proposed in the 2016 Recommended Budget, pending further council discussion and direction.

year" category, in priority order (lowest to highest – that is, #1 is presented as the lowest priority and the first recommended to defer, if council deems necessary).

Important to the organization's ability to support council and community priorities but could be deferred for at least a year:

1. **0.50 FTE add to the Volunteerism position – Parks & Recreation**
   Presently, the department's sole resource for volunteer related solicitation, coordination, tracking, and acknowledgment is a 0.50FTE. In 2014, community volunteers contributed roughly 29,000 hours (worth $270,830 to the department or the equivalent of 4.5FTE).The department's proposal, to align volunteer coordination with community partnership and outreach by adding 0.50 FTE to the existing position dedicated to volunteerism seeks to further enhance community building, improve results/impact tracking, and double the number of volunteer hours to improve Boulder public parks and plaza spaces. The department could reprogram a vacant 0.25 FTE planning position for at least 2016 to help cover this need. Another way to meet the need could be to hire seasonal volunteer help. Finally, the department could work with OSMP to see if any of their volunteerism staff could support P&R half-time, or have the fixed-term Civic Area ambassador position absorb the work (through 2016).

2. **1.0 FTE Safety Administrator position – Risk**
   The department believes that it can delay the hiring of this position at least one year. The impact to the organization of not bringing on a new full time safety administrator will be:
   - Staff will not be able to assist departments in fully developing and implementing their safety programs.
   - New safety initiatives such as implementing a department safety certification program will take more time. However the city would rely on the citywide safety committee working with the risk manager to address priorities during the next year.

3. **0.75 FTE position for Wellbeing program support – Human Resources (HR)**
   Employee wellbeing is a significant commitment and priority for the organization and is linked directly to engagement and morale. Employee wellbeing improves city productivity. The city currently has a wellbeing task force comprised of a variety of employees citywide, and this task force is making strides. However, all of the team members are participating in the task force in addition to completing the work of their jobs in the city, so concentration on wellbeing is not as fully focused as it could be. Without a dedicated resource, it will be difficult to keep the momentum for this program going.

   All other vacant positions in HR provide a direct HR service responsibility for the core functions of Recruitment, Compensation and/or Employee Relations so it is not possible to utilize other HR positions to fill this position. A contract to provide the service will not provide the relationships and depth/breadth of City of Boulder collaboration, and understanding of the city's internal workings and culture. Furthermore, a contracted position would still require resources to manage

the contract, services, etc. A temporary position through a professional agency could suffice short-term.

4. **1.0 Police Officer position (out of two Police Officers proposed) - Police**
   The multi-year staffing plan for the Police Department includes adding eight police officers, one commander and two non-sworn employees by 2018. Through 2015, five new officers, one commander and one criminalist were added. Two additional Police Officers are recommended for 2016; however, the department believes that it would be able to manage the delay of hiring one of the two requested police officers for a year, with minimal impact. The department would still be on track to complete the hiring plan by 2018.

5. **1.0 FTE Senior Project Manager (Innovation and Data) position – City Manager's Office**
   Strategic utilization of data and a focus on creativity and innovation are two strongly emerging areas in local government. This position would provide city-wide leadership and oversight of these two areas. This position would collaborate with departments across the organization as we work toward further data transparency and improved use of data, focusing on targeted data collection, new methods of presentation and data analysis, as well as an assessment of what data would be helpful now and in the future. The City of Boulder is known to be a world-class city and in part that is a result of the implementation of leading edge ideas. This position would assist the organization in continuing to foster an innovative culture with an emphasis on new ideas – both big and small – to support further efficiencies, implement community priorities and provide unique consideration of future community needs. Although staff recognizes the need to further focus on innovation and data in a manner that is future-oriented, it is feasible to do without this position for at least one year.

6. **1.0 FTE Deputy City Manager position – City Manager's Office**
   The City Manager's Office is seeking an organizational structure that best supports managerial effectiveness across the organization. The deputy city manager position has been requested in 2016 as a key leadership position to assist with the span of control within the City Manager's Office and address priorities of the community and organization. Currently, the city manager has 13 direct reports and the assistant city manager has 12 direct reports. Although a deputy city manager would further contribute to the leadership of the organization and the management of other community priorities, it is feasible to continue with the current organizational structure for at least one year.

<u>Highly important to support council and community priorities:</u>

7. **1.0 FTE Communications Specialist II position, supporting the proposed Community Newsletter – Communications**
   This position is needed to support the proposed community newsletter. Per the request of several community and council members, the City of Boulder community newsletter would be a bimonthly product mailed to postal route residences within the

city, with additional copies available in public buildings. The decision to mail it rather than insert it into the daily paper is to ensure it is received by every resident and will foster direct community engagement. The content would include city news, issues before council, city events, city partner events, and quality of life information. The preferred example is the City of Arvada newsletter which is a 24-page 8 ½ x11 finished product.

If the community newsletter is not brought on in 2016, this position would not be needed. The community newsletter is a new initiative and a delay would not impact current work plans. It would also be possible to do without the newsletter and supporting FTE. The impact to the community would be the loss of a communication tool that has been requested and would reach a broad spectrum of the community.

There is not existing staff capacity to initiate a community newsletter, without additional supporting staff. Given the planned frequency of the newsletter and the need to be aware of city issues, it would be extremely difficult to contract this support out. A contractor would require significant interaction with staff to learn the issues, and the cost would likely match the cost of an FTE and require time and resources of existing staff.

8. **1.0 FTE Communication Administrative Supervisor position – Police**
   The department believes this to be an important position to manage additional responsibilities the communications center has taken on and to help manage staff. With the addition of body-worn cameras, assistance is needed to manage that program as well as alarm response, payroll, hiring and training responsibilities. The proposed position would support all users of the center including Police, Fire, OSMP and other radio users. The department would not want to be without this position for more than a year and would share responsibilities among current staff during that time, if needed.

9. **1.0 FTE Senior Planner Analyst position – Fire**
   The department could postpone hiring this position or contract out some of the work intended for the position, however, it is likely that the department would then be unable to fulfill council's requests for more information on fire-based EMS or complete work on our communitywide hazard and risk assessment. The standards of cover, which specifies response times and performance as well as informs the strategic plan for long-term deployment may also have to be delayed. That work could be contracted out or postponed until 2017. The department has information in multiple data sources but without this position cannot analyze the data for meaningful reporting and is unable to respond definitively to ad hoc information requests regarding policy impacts such as the Folsom Street Living Lab Project. The position is also needed to analyze the history of the AMR contract, which is up for renewal in 2016 and for analysis of potential regional-based approaches.

10. **1.0 FTE Program Manager position for Community Cultural Plan implementation – Library & Arts**
    The department sees this position as critical to the implementation of the Community Cultural Plan and the launch of an enhanced public art program. The program specialist for Public Art position is critical for continuing to implement the city's Public Art program in all its facets: new public works of art, maintenance of the current collection and policy changes for a consolidated strategic approach to public art. Delaying the position for a year defers enhancement of the Public Art program for another year. Alternatively, contracting this work would enable the department to execute at least a portion of the 2A / Community Culture and Safety Tax with regard to acquiring and installing some new works of public art, but would necessitate deferring maintenance and policy changes.

11. **1.0 FTE Fire Safety Educator position – Fire**
    One of the primary goals of the Fire Department is community risk reduction. The existing Fire Safety Educator position is at capacity and a second position is needed to meet an appropriate level of public outreach needed for a community the size of Boulder. Although there are some consulting companies that can assist in the development of the education programs, there are none that can implement and coordinate the programs. As an alternative to funding the fire safety educator, the department could upgrade the existing life safety educator to a deputy fire marshal position (civilian) and use that person in a program management capacity. Volunteers from Operations personnel could be used, on overtime, to deliver many of the didactic programs under the direction of the deputy fire marshal and analyze the metrics and coordinate the delivery.

12. **1.0 FTE Communications Specialist III (split 25/75 with Human Services and Housing) position – Communications**
    The Human Services portion could possibly be delayed one year utilizing the existing model with limited support from the Communication Department. However, by delaying the position one year, there would be a missed opportunity to utilize the position for critical communications needs related to the Human Services Strategy, Homeless Strategy, Living Wage, and HRC Safe Community work plan. It would be difficult to delay the Housing portion of the position as the current demand for communication support and the projected demand exceed both work groups' ability to absorb the work on an on-going basis. The work could be contracted out but with the risk of significant loss of timely information distribution. The volume, intensity and on-call requirements to support Housing may drive costs near that of an FTE, without the ability to provide unforeseen, non-contracted support. Alternatively, the Housing position could be filled at a lower FTE level, but understandably with lowered expectations for the level of support and service to the community.

Crucial to the organization's operations and reliable delivery of community services:

13. 1.0 FTE Applications Developer II position – Geographic Information Systems (GIS) – Information Technology

Historically, both Information Resources and the Information Technology (IT) Department have utilized consulting resources to augment GIS support. IT has specifically attempted to contract for these services in recent years only to find a limited market to address our needs, and an unwillingness by firms to assign a single, dedicated staff resource in whom to instill this knowledge – all leading to ineffective outcomes at high costs. It remains difficult to find a qualified vendor that offers the GIS technical expertise the city requires at a reasonable cost and with the required effectiveness. Given the number of key application development, data management, application support, and system administration tasks to be performed by this position, the hard cost of a full-time contract resource (at $100-$150 per hour) becomes prohibitive.

The department has considered moving resources from the IT Applications team to cover this longstanding gap, but cannot do so without significant impacts on other critical IT services. Existing vacancies the IT department is currently engaged in filling are vitally important to maintain the non-discretionary support and project needs of the city. IT has not requested new ongoing positions since 2003 and has managed increasing technology demands through fixed-term and contract work, as well as reorganization and increased focus on customer service. The integral part of IT across every aspect of the city's operations can no longer be adequately supported at staffing levels maintained over 12 years ago.

14. 1.0 FTE Chief Security Officer position – Information Technology

A Chief Information Security Officer (CISO) is tasked with analyzing, formulating and mitigating information security risks for an organization. While the city has had good success engaging highly-qualified security firms to assist with targeted security assessments, an outsource-only approach would not be effective from either a business or cost perspective.

Findings from the city's biennial security assessments continue to identify areas where increased vigilance in protecting the city's systems and data infrastructure is critical, as is the continual need for a well-supported end-user communication and training program. Fortifying against compromises requires a high level of knowledge of not only the city's IT infrastructure, but the wide and diverse inventory of city-specific applications, datasets and how they are used. Based on a recently-completed RFP process for security consulting services conducted by IT, contract expertise in this area starts at $175 per hour. Given the constantly changing architecture of IT systems, applications and data, and the accompanying need to understand city business processes to ensure security, there is a critical need for a full-time role, be it contracted or on-staff. However, the department believes it would be ineffective and cost–prohibitive to consult for these ongoing operational tasks given the sustained and time-sensitive need for "embedded" knowledge of the city's portfolio of systems and related services. An intimate understanding of how systems and data are used is

as critical to security as firewalls, intrusion detection systems, content filters and forensic tools.

Parking Fees

Following the Sept. 8 Budget study session, council asked staff to bring forward information related to parking fees for discussion at the Oct. 6 first hearing of the 2016 Budget. The following information is provided in response to council questions and comments.

Long Term Parking Rates

Every year staff does a survey at the beginning of the annual budget process to compare rates with private providers in the downtown and University Hill and proposes rate adjustments. Since 2014, downtown parking rates have increased by 28.6 percent in the garages and 21.9 percent in the surface lots to keep pace with the market trends. The proposed 2016 long-term permits are:

Central Area General Improvement District (CAGID) Garages: $360 per quarter from $330 – 9 percent increase
CAGID Surface Lots: $210 per quarter from $200 – 5% increase

CAGID considers a number of different factors in establishing the permit rates: comparison with other parking rates, role of parking pricing in encouraging other modal solutions, the economic vitality and diversity of the downtown, the property taxes owners pay into the district and the parking demand of both permit holders and short-term parking users.

In the case of private parking providers, their primary focus is their building tenants which are often professional corporate or high tech firms. Their actual rates are often lower than published since it is part of their lease negotiations. In addition to parking for their employees, the tenants negotiate parking that is exclusively for their clients. The parking they offer is often convenient and on-site.

CAGID has the responsibility to provide parking to all downtown users and tenants regardless of business type and location, or reason for visiting downtown. Since the district has a wide range of types of employees, the factors that are considered when pricing parking are different than those of private parking facilities. The city's parking is off-site and is a mix of both permit and short term parking which is not guaranteed. Parking permits are sold according to a balance of short term and long term needs in each garage. Permit sales range from 87 to 129 percent of total spaces in a garage.

Another factor considered in the district parking pricing is that downtown, as well as University Hill and Boulder Junction, are parking general improvement districts. This means that properties within the parking districts pay an additional mill levy for parking. This district approach has been instrumental in the city's fundamental approach to parking – the SUMP principles – Shared, Unbundled, Managed and Paid – and has allowed the construction of the five downtown garages and surface lots. It has been

integral in the development of the multi modal transportation solutions and travel demand management programs which has resulted in the highest alternative mode use in the city.

Increased Parking Fines
Parking enforcement is an integral component of parking management. Through the Access Management Parking Strategy (AMPS) process, the parking fines are being reviewed and analyzed. Staff has received a draft report from the project consultants, comparing the city's rates with other local and peer communities. The report indicates that the city's rates are lower. At the November AMPS study session, staff will be presenting this information with an initial recommendation for increasing the fine amount and also a proposal to modify the fine structure to include graduated fines. This would mean that an individual's ticket amount would increase with increased violations. Related fines are also being reviewed. Staff has communicated with the Downtown Management Commission, and the boards of Downtown Boulder, Inc. and the Downtown Boulder Business Improvement District to let them know that the ticket fine rate is being reviewed and increases are likely to be recommended.

Real Time Parking Utilization
Downtown University Hill Management Division / Parking Services (DUHMD/PS), now the Department of Community Vitality, currently has an agreement with Parkifi, a local Boulder start-up, to pilot the provision of real time parking information. 106 sensors are in parking spaces within the 11th and Spruce parking facility and data has been available since Sept. 11, 2015. The pilot will also include parking sensors on-street. Parkifi's goal is to create a dashboard that will be provided to the city to share with customers on site and in an App. Currently, the sensors are providing data that has an accuracy level of 90 percent. The Department of Community Vitality will continue to work in partnership with Parkifi on the pilot and will be evaluating the program as it progresses.

Since the federally funded pilots in San Francisco and Los Angeles, much has been learned about the functionality and practicality of the extensive use of embedded sensors to monitor parking availability. This kind of program requires a cost prohibitive investment in embedded monitors. Staff is tracking other communities, specifically Washington DC as it experiments with a variety of methods to track parking utilization and availability that are less expensive and more sustainable, through periodic surveys, selective installation of video cameras, and existing parking kiosk data.

Additional Parking Revenue for Eco Passes for Part-time Employees
Since the mid-1990s, the City of Boulder has funded Eco Passes to full-time downtown employees, at no cost to the employees. Funds to pay for this program come primarily from on-street parking revenues. The 2015 contract was for 6,613 employees with a cost of $826,625. The 2016 cost is estimated to be $960,000 to $1,024,000.While specific numbers are not known, it is estimated that there are approximately 3,000 part-time employees in the downtown. Depending on the final rate that RTD will charge for downtown Eco Passes, the additional costs for including part-time employees in 2016 could be between $426,000 and $448,000 in 2016. Since the number of part-time employees that are CU students and already have Eco Passes is unknown, it would be

important to understand the data in advance of making a decision. Due to the master contract regulations, the city would need to purchase Eco Passes for all part-time employees and would pay for those part-time employees who already have Eco passes, as CU students. The master contract process for 2016 is underway and the final contracts need to be completed by early November at the latest. It would be difficult to complete the needed analysis regarding part-time employees in the next month. However, it could be possible to pursue this option further at council's direction during 2016 to be brought forward for consideration either as an adjustment to base in 2016 or as a part of the 2017 budget process.

Requirement of Permit Holders to Park on the Top Floors of a Parking Structure
Enforcement of permit holders parking on upper levels of a parking structure would require a change in how permits are issued. Currently, permit holders are issued an access card which can be used for multiple vehicles. An additional form of identification would need to be considered, i.e. license plate numbers or a visual sticker, in order to validate their status for enforcement purposes. Staff can seek input from other communities about how they approach this issue.

Expanded Hours to Charge On-Street
Currently, the on-street parking rates are charged from 9 a.m. to 7 p.m., Monday through Saturday. The hours were expanded from 5 p.m. to 7 p.m. in 2007. The hours for charging parking on-street could be expanded to later in the evening. As part of the Access and Parking Management Strategy, staff will conduct research on the parking time limits of peer communities and present this issue for council feedback.

Emerging Needs
The budget represents a fiscal plan and guide based on a moment in time, designed within a longer-term financial strategy, and developed to provide flexibility for emerging needs, as they arise. As council considers the 2016 Recommended Budget, staff thought it could be helpful to highlight potential emerging needs on the horizon. Staff will continue to work within the Sustainability Framework, addressing the highest community priorities and maintaining sound fiscal practice and financial stewardship as proposals to address these emerging needs are brought forward.

Boulder Community Health/Broadway Campus
With the proposed purchase of the Boulder Community Health/Broadway Campus site, staff continue to monitor and evaluate issues for which there may be potential budget impacts. As currently structured, the city will have possession of the properties south of Alpine in early December 2015. The city would not have possession of the properties north of Alpine until December 2017, unless the hospital were to release those properties early. Near-term costs involve due diligence related efforts, including environmental remediation, as well as public engagement and area planning costs. Currently, costs for the due diligence work have been funded out of the Facilities and Asset Management's Facility Repair and Renovation fund. The due diligence reports have so far identified the need to make safety-related repairs in the garage structure. Similar work may be required in the main hospital. Additional funds could be needed to address safety-related repairs as

the city assumes responsibility for maintenance costs of buildings. The largest potential cost may be for environmental remediation, which will be determined upon completion of the Phase 2 environmental assessment in mid to late October. The 2016 Recommended Budget also includes some funding, based upon very preliminary estimates, for the initial public engagement and area planning process associated with this site. Future funding decisions regarding eventual use of the property will be made subsequent to community planning and public outreach efforts.

Rising costs
Planned capital projects are facing budgetary pressure as bids come back significantly higher than originally planned costs, due to rising construction costs. Other cost escalation, such as the increase to EcoPass rates, will have an impact on operating budgets.

Studies, Assessments and Plans
The city is continually looking for new and better ways to do business and provide service to the community. Current studies, assessments and plans may have resource implications in the near term. In particular, the update to the Boulder Valley Comprehensive Plan, Human Services Strategy, Utilities rate study, capital asset assessment, Living Wage assessment, Homeless strategy, Civic Area plan implementation, Reservoir Business plan and update to development impact fee study are all key work items that will impact both near and longer-term budget considerations.

QUESTIONS
Council members may contact the Budget Division (Peggy Bunzli at bunzlip@bouldercolorado.gov or 303 441 1848) for any questions they have on the contents of this agenda item, including clarification of any budget program or fund status.

BUDGET MATERIALS ONLINE
Budget materials can be found at the following links:
2016 Recommended Budget;
2016-2021 Draft Capital Improvements Program;
Sept. 8 Budget study session memo;
Additional materials for Sept. 8 Budget study session;
Video of Sept. 8 Budget study session (choose date from list)
Past budgets.

PUBLIC FEEDBACK
There will be a public hearing at both first and second readings of these ordinances.

NEXT STEPS
- Tuesday, Oct. 20 - Public hearing and second reading of the 2016 City of Boulder budget ordinances; General Improvement District budget resolutions.
- Tuesday, Nov. 10 - Public hearing and third reading of the 2016 City of Boulder budget ordinances (if needed).

ATTACHMENTS

Attachment A	Budget Changes document, logging changes proposed to the 2016 Recommended Budget and Draft 2016-2021 CIP since publication
Attachment B	Fund Activity Summary that reflects the impact of 2016 estimated revenues and appropriations on the fund balance for each fund in the city
Attachment C	A proposed ordinance adopting the Budget for the City of Boulder for 2016
Attachment D	A proposed ordinance establishing 2015 City of Boulder property tax mill levies
Attachment E	A proposed ordinance appropriating the 2016 budget
Attachment F	A proposed ordinance amending Section 3-8-3 and Chapter 4-20 of the B.R.C. 1981, changing certain fees
Attachment G	Additional Information on the 2016 Recommended Budget
Attachment H	Additional Information on City of Boulder staffing 2002-2016
Attachment I	Follow up Information on Energy Impact of CIP Projects

Item	Budget Document Change Description	Document	Section(s)	Page(s)
1	Energy – in the September 8 Study Session memo, there is a typo on Page 9 in the Energy section under 2016 Projected Uses ($1M CM Contingency); the total amount should be $447,639, as opposed to $477,639	2016 Recommended Budget Study Session Memo		9
2	Numbers Flipped in Presentation for Sales Tax (Slide 6; Sales /Use Tax and Retail Sales Tax)	Presentation		
3	Table of Contents and List of Figures and Tables – There should be no mention of Debt in the Recommended Budget; only Sources and Uses	Recommended 2016 Budget	Pre Intro	viii, x
4	OSMP – FTE for 2016 Recommended Budget should be 117.15, not 117.56	Recommended 2016 Budget	Department Overviews – OSMP	220
5	Fire – FTE count in 2014 should be 120.33, not 118.33.	Recommended 2016 Budget	Department Overviews – Fire	175
6	DUHMD – Hill Community Development Coordinator should be $50,500, not $50,000	Recommended 2016 Budget	Significant Changes Between 2015 and 2016 Budget; 2015 Significant Budget Changes by Fund; One-Time and Ongoing, Department Overviews – DUHMD	14, 23, 162
7	OSMP – Associate Planner Position is Ongoing, not Fixed-Term	Recommended 2016 Budget	Significant Changes Between 2015 and 2016 Budget; 2015 Significant Budget Changes by Fund; One-Time and Ongoing, Department Overviews – OSMP	17, 28, 219
8	In Figure 5-02 and 5-03, Other should read $55,093, and Intergovernmental Grants should read $3,050	Recommended 2016 Budget	Sources and Uses	87, 88
9	In Figure 5-06, "Parks and Recreation" should be replaced with "Other"	Recommended 2016 Budget	Sources and Uses	93
10	In Figure 5-07 and 5-08, General Governance should read $13,026, "DUHMD/PS" is now "Community Vitality," and should read $12,123, CP&S and Housing combined and are now "Planning, Housing and Sustainability," and should read $14,234 and OSMP should read $34,251	Recommended 2016 Budget	Sources and Uses	101, 102
11	Tables 8-01 and 8-03, Administration Expenditure for 2016 has been increased to $448,750. General Fund for 2016 has been increased to $3,009,305, and the total amount is now $3,116,301	Recommended 2016 Budget	Department Overviews – City Attorney's Office	126, 129
12	Tables 8-16, 8-17, and 8-18 will be provided as part of DUHMD's reorganization to Community Vitality	Recommended 2016 Budget	Department Overviews – DUHMD	158, 162, 163

Item	Budget Document Change Description	Document	Section(s)	Page(s)
13	Table 8-46, Capital Improvement Program, Cost Allocations and Debt Service for 2016 should read $19,927,582, and the total Expenditure and Funding for 2016 should read $35,917,925	Recommended 2016 Budget	Department Overviews - OSMP	217
14	Table 8-48 Debt Service (in both Staffing and Expenditure by Program and Expenditure by Category) should read $6,054,625. For Staffing and Expenditure by Fund for 2016, Open Space and Mountain Parks should read $5,770,198. The Total for all Sections of the Detail Page for 2016 should read $5,780,973	Recommended 2016 Budget	Department Overviews - OSMP	220-221
15	Table 9-01, under Uses of Funds (2016 Recommended), City Attorney should read $2,999, Ciy Manager should read $2,153, DUDMD (which will become Community Vitality) should read $2,561, Community Sustainability and Housing will combine to form Planning, Housing and Sustainability, and that amount (combined) should read $3,056	Recommended 2016 Budget	Fund Financials - General Fund	258-262
16	Table 9-23, under Uses of Funds (2016 Recommended, Debt Service - Bonds & Notes should read $4,467,118. Total Uses of Funds for 2016 should read $35,402,961	Recommended 2016 Budget	Fund Financials - Open Space	288
17	Attachment A, Library and Arts - Funding for the Library Collections is being sourced from the Capital Development Fund, not the Library Fund	Recommended 2016 Budget	City Manager's Message - Attachment A	16
18	Attachment B - Capital Development Fund reflects the $150,000 funding for Library Collections	Recommended 2016 Budget		26
19	Table 8-07 - Move of $131,431 to reflect the transfer of the Resilience Officer to City Manager's Office from CP&S. In Expenditure by Category for 2016, Personnel should read $1,724,827, and under Expenditure by Fund for 2016, the General Fund should read $2,152,515, which should also be the total for all expenditures for 2016.	Recommended 2016 Budget	Department Overviews - City Manager's Office	136
20	Table 8-42 - Change funding source for $150,000 in Library Materials Acquisition from Library Fund to Capital Development Fund	Recommended 2016 Budget	Department Overviews - Library and Arts	208
21	Table 9-01 - Under Transfers Out (2016 Recommended) Library Fund should read $6,206	Recommended 2016 Budget	Fund Financials - General Fund	261
22	Table 9-08 - Increase in Use of Funds to reflect $150,000 in Library Materials and Acquisitions in 2016. Total Uses of Funds will increase to $211,052	Recommended 2016 Budget	Fund Financials - Capital Development Fund	271
23	Table 9-21 - Transfer from the Capital Development Fund under Sources of Funds ($150,000) in 2016; Total Sources unchanged	Recommended 2016 Budget	Fund Financials - Library Fund	285

Item	Draft CIP Change Description	Document	Section(s)	Page(s)
1	FAM – Add $100,000 for the Upgrade Electric Vehicle Chargers and Battery Storage System Project in 2016; already included in 2016 Operating Budget	Draft 2016-2021 CIP	Funding Summaries, Facilities and Asset Management	21, 25, 34, 37, 45, 48, 98
2	FAM – Add $50,000 each year from 2016 to 2021 for Miscellaneous Facility DET Projects	Draft 2016-2021 CIP	Funding Summaries, Facilities and Asset Management	21, 25, 34, 39, 45, 48, 98
3	Utilities – Add $8,455,509 in 2020 for Barker Dam Outlet	Draft 2016-2021 CIP	Funding Summaries, Utilities	21, 29, 34, 36, 45, 53, 269
4	Utilities – Add $4,926,849 in 2021 for Wittemeyer Ponds	Draft 2016-2021 CIP	Funding Summaries, Utilities	21, 29, 34, 36, 45, 53, 269
5	Utilities – Add $350,000 in 2018 to NCWCD Conveyannce – Carter Lake (from $37,565,263 to $37,915,263)	Draft 2016-2021 CIP	Funding Summaries, Utilities	21, 29, 34, 36, 45, 53, 269
6	Utilities – Add $125,000 in 2020 to WWTF Permit Improvements (from $18,500,000 to $18,625,000)	Draft 2016-2021 CIP	Funding Summaries, Utilities	21, 28, 34, 37, 45, 52, 269
7	Utilities – Add $329,278 in 2021 to Goose Creek SS Interceptor (from $1,400,867 to $1,730,145)	Draft 2016-2021 CIP	Funding Summaries, Utilities	21, 28, 34, 36, 45, 52, 269
8	DUHMD – Note that Downtown Management Commission also voted to recommend the CIP for downtown/CAGID	Draft 2016-2021 CIP	DUHMD	81

ACTIVITY BY FUND (in thousands)

	Fund Title	Projected Fund Balance 1/1/2016	Estimated Revenues Including Transfers In	Appropriations Including Transfers Out	Projected Fund Balance 12/31/2016	Projected Changes in Fund Balance
1100	General	$ 31,428	$ 128,264	$ 132,161	27,531	$ (3,896)
2180	.25 Cent Sales Tax	2,189	8,905	7,724	3,370	1,181
2140	Affordable Housing	738	2,122	1,570	1,290	552
2700	Airport	599	580	462	717	118
2830	Boulder Junction Access GID TDM	48	152	176	24	(24)
6800	Boulder Junction GID Parking	49	427	434	43	-
3500	Boulder Junction Improvement	628	805	825	608	(20)
2100	Capital Development	7,596	2,114	211	9,499	1,903
3700	Capital Improvement Fund	-	-	-	-	-
2400	Climate Action Plan	188	1,844	1,955	77	(111)
2910	Community Development Block Grant (CDBG)	-	634	634	(0)	(0)
1150	Community Housing Assistance Program	658	2,550	3,173	36	(622)
7190	Compensated Absences	1,482	828	945	1,365	(117)
7300	Computer Replacement	6,793	1,973	1,940	6,827	34
6400	Downtown Commercial District	4,340	8,478	8,782	4,037	(303)
7400	Equipment Replacement	5,333	1,170	638	5,865	532
7500	Facility Renovation and Replacement	5,281	2,908	4,052	4,137	(1,144)
	Fleet Operations	498	3,798	3,779	517	19
7210	Fleet Replacement	8,201	6,620	5,303	9,518	1,317
2920	HOME Investment Partnership Grant	-	780	780	(0)	(0)
1200	Library	1,202	7,570	7,570	1,202	-
2110	Lottery	441	857	849	449	8
2500	Open Space and Mountain Parks	15,996	32,893	35,403	13,486	(2,510)
3300	Permanent Parks and Recreation	493	2,588	2,444	637	144
2120	Planning and Development Services	4,356	10,111	10,838	3,628	(728)
7110	Property and Casualty Insurance	5,392	1,775	1,876	5,290	(102)
2300	Recreation Activity	1,582	10,499	10,415	1,667	85
6300	Stormwater/Flood Management Utility	12,963	11,498	11,765	12,696	(267)
7100	Telecommunications	1,523	747	705	1,565	42
2820	Transit Pass GID	25	16	16	25	-
2800	Transportation	6,461	32,407	33,825	5,043	(1,418)
2810	Transportation Development	1,112	1,086	1,201	997	(115)
6500	University Hill Commercial District	724	592	640	675	(49)
6200	Wastewater Utility	7,635	20,308	19,555	8,388	753
6100	Water Utility	33,681	55,346	58,902	30,126	(3,555)
7120	Worker's Compensation Insurance	2,565	1,704	1,774	2,494	(71)
	Totals	**$ 172,200**	**$ 364,950**	**$ 373,320**	**$ 163,829**	**$ (8,364)**

Note:
The table above reflects the impact of the 2016 budget, including estimated revenues (with transfers in) and appropriations (with transfers out), on projected unreserved fund balance.

ORDINANCE NO. 8085

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2016 AND ENDING ON THE LAST DAY OF DECEMBER 2016 AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City Manager has submitted a recommended budget for fiscal year 2016 to the City Council as required by Charter; and,

WHEREAS, upon due and proper notice, numerous study sessions and public hearings have been held on said recommended budget;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO THAT THE FOLLOWING FISCAL YEAR 2016 BUDGET IS HEREBY ADOPTED:

Section 1. That estimated expenditures for fiscal year 2016 are as follows (excludes carryover and the General Improvement Districts):

General Operating Fund	$132,160,765
Capital Development Fund	211,052
Lottery Fund	848,535
Planning and Development Services Fund	10,838,333
Affordable Housing Fund	1,570,292
Community Housing Assistance Program Fund	3,172,624
.25 Cent Sales Tax Fund	7,724,287
Library Fund	7,569,667
Recreation Activity Fund	10,414,920
Climate Action Plan Fund	1,955,433
Open Space Fund	35,402,961
Airport Fund	461,925
Transportation Fund	33,824,610

Transportation Development Fund	1,200,614
Community Development Block Grant (CDBG) Fund	634,492
HOME Investment Partnership Grant Fund	779,504
Permanent Parks and Recreation Fund	2,443,963
Boulder Junction Improvement Fund	825,000
Water Utility Fund	58,901,788
Wastewater Utility Fund	19,555,218
Stormwater/Flood Management Utility Fund	11,764,881
Telecommunications Fund	704,622
Property and Casualty Insurance Fund	1,876,157
Worker's Compensation Insurance Fund	1,774,457
Compensated Absences Fund	944,772
Fleet Operations Fund	3,779,052
Fleet Replacement Fund	5,302,879
Computer Replacement Fund	1,939,813
Equipment Replacement Fund	638,192
Facility Renovation and Replacement Fund	4,052,362
Less: Interfund Transfers	25,281,156
Less: Internal Service Fund Charges	20,458,216
TOTAL (Including Debt Service)	$317,533,798

Section 2. That estimated carryover funds from fiscal year 2015 are as follows (excludes General Improvement Districts):

General Operating Fund	$ 11,600,000
Capital Development Fund	1,000,000
Lottery Fund	1,001,360
Planning & Development Services Fund	1,000,000
Affordable Housing Fund	5,000,000
Community Housing Assistance Program Fund	4,000,000
.25 Cent Sales Tax Fund	1,250,000

Climate Action Plan Fund	1,000,000
Open Space Fund	21,606,360
Airport Fund	1,000,000
Transportation Fund	25,000,000
Transportation Development Fund	1,800,000
Community Development Block Grant (CDBG) Fund	1,000,000
HOME Investment Partnership Grant Fund	1,500,000
Permanent Parks and Recreation Fund	500,000
Boulder Junction Improvement Fund	1,500,000
2011 Capital Improvement Bond Fund	1,696,137
Water Utility Fund	4,000,000
Wastewater Utility Fund	10,000,000
Stormwater/Flood Management Fund	15,000,000
Fleet Replacement Fund (Internal Service Fund)	2,000,000
Equipment Replacement Fund (Internal Service Fund)	500,000
Facility Renovation and Replacement Fund (Internal Service Fund)	4,000,000
TOTAL	$ 116,953,857

Section 3. That estimated revenues and fund balances available for fiscal year 2016 to fund the above expenditures are as follows (excludes carryover and General Improvement Districts):

Taxes	$ 179,995,731
Charges for Services	59,422,136
Internal Service Fund Charges	20,367,789
Sale of Goods and Capital Assets	549,424
License Fees and Fines	5,265,000
Intergovernmental and Grants	10,383,757
Interest/Lease/Rent	20,295,981

Other Revenues		14,093,779
Bond Proceeds		24,240,000
Transfers In		22,918,261
Less: Transfers		22,918,261
Less: Internal Service Fund Charges		20,367,789
Plus: Fund Balance		3,287,989
TOTAL	$	317,533,798

Section 4. That the proposed budget as submitted and hereinabove summarized be adopted as the budget of the City of Boulder, Colorado, for the 2016 fiscal year.

Section 5. The City Council finds that the budget must be adopted before the mill levy can be certified, and said levy must be certified to the County Assessor of the County of Boulder, State of Colorado, by December 15, 2015.

Section 6. 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. 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 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

ORDINANCE NO. 8086

AN ORDINANCE ESTABLISHING THE 2015 CITY OF BOULDER PROPERTY TAX MILL LEVIES WHICH ARE TO BE COLLECTED BY THE COUNTY OF BOULDER, STATE OF COLORADO, WITHIN THE CITY OF BOULDER IN 2016 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER DURING THE FISCAL YEAR 2016 PROVIDING THAT SAID LEVY BE CERTIFIED TO THE COUNTY ASSESSOR OF THE COUNTY OF BOULDER, STATE OF COLORADO, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, Section 94 of the Charter of the City of Boulder, Colorado requires the City Council to make by ordinance the proper levy in mills on each dollar of the assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year of the properly authorized demands upon the Treasury, and to cause said total levy to be certified to the County Assessor of the County of Boulder, State of Colorado; and

WHEREAS, after reviewing the requirements for anticipated expenditures as well as anticipated revenues from other sources for 2016, the City Council has determined that for the year of 2015, the proper mill levy, which shall be collected in 2016 by the Treasurer of the County of Boulder, State of Colorado, upon each dollar of the assessed valuation of all taxable property within the city, shall be 11.981 mills; and

WHEREAS, Boulder residents approved Ballot Issue 201 on November 4, 2008, which has the effect of allowing the retention of property tax monies collected above the limits imposed by Article X, Section 20, of the Colorado Constitution, commonly referred to as “TABOR,” and reducing the mill levy credit by 0.50 mill each year until the credit is completely eliminated; and

WHEREAS, in line with those guidelines, no mill levy credit remains, and a total of 11.981 mills is to be assessed upon each dollar of assessed valuation of all taxable property with the City.

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

Section 1. For the purpose of maintaining funds to defray the general expenses of the City of Boulder, Colorado, during the fiscal year of the City commencing at 12:00 Midnight at the end of December 31, 2015, and ending at 12:00 Midnight at the end of December 31, 2016, there is hereby levied for the year of 2015 to be collected in 2016 a tax of 11.981 mills upon each dollar of the total assessed valuation of all taxable property within the City of Boulder, Colorado. The levy includes the following components:

GENERAL CITY OPERATIONS	8.748
PERMANENT PARKS FUND (Charter Sec. 161)	.900
LIBRARY FUND (Charter Sec. 165)	.333
TOTAL	9.981
GENERAL CITY OPERATIONS (PUBLIC SAFETY)	2.000
NET MILL LEVY	11.981

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

Section 4. Pursuant to Section 18 of the Charter of the City of Boulder, this ordinance shall take effect immediately upon publication after final passage.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

ORDINANCE NO. 8087

AN ORDINANCE APPROPRIATING MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2016 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2016, AND ENDING ON THE LAST DAY OF DECEMBER 2016, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City Council has approved a motion to adopt the budget for 2016; and,

WHEREAS, the City Council has by ordinance made the property tax levy in mills upon each dollar of the total assessed valuation of all taxable property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment in part during the City's said fiscal year of the properly authorized demands upon the Treasury; and,

WHEREAS, the City Council is now desirous of making appropriations for the ensuing fiscal year as required by Section 95 of the Charter of the City of Boulder;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, that;

Section 1. The following appropriations are hereby made for the City of Boulder's fiscal year commencing at 12:00 Midnight at the end of December 31, 2015 and ending at 12:00 Midnight at the end of December 31, 2016, for payment of 2016 City operating expenses, capital improvements, and general obligation and interest payments:

General Operating Fund	$132,160,765
Capital Development Fund	211,052
Lottery Fund	848,535

Planning and Development Services Fund	10,838,333
Affordable Housing Fund	1,570,292
Community Housing Assistance Program Fund	3,172,624
.25 Cent Sales Tax Fund	7,724,287
Library Fund	7,569,667
Recreation Activity Fund	10,414,920
Climate Action Plan Fund	1,955,433
Open Space Fund	35,402,961
Airport Fund	461,925
Transportation Fund	33,824,610
Transportation Development Fund	1,200,614
Community Development Block Grant (CDBG) Fund	634,492
HOME Investment Partnership Grant Fund	779,504
Permanent Parks and Recreation Fund	2,443,963
Boulder Junction Improvement Fund	825,000
Water Utility Fund	58,901,788
Wastewater Utility Fund	19,555,218
Stormwater/Flood Management Utility Fund	11,764,881
Telecommunications Fund	704,622
Property and Casualty Insurance Fund	1,876,157
Worker's Compensation Insurance Fund	1,774,457
Compensated Absences Fund	944,772
Fleet Operations Fund	3,779,052
Fleet Replacement Fund	5,302,879
Computer Replacement Fund	1,939,813
Equipment Replacement Fund	638,192
Facility Renovation and Replacement Fund	4,052,362
Less: Interfund Transfers	25,281,156
Less: Internal Service Fund Charges	20,458,216
TOTAL (Including Debt Service)	$317,533,798

Section 2. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2016 and ending December 31, 2016 for estimated carryover expenditures:

General Operating Fund	$ 11,600,000
Capital Development Fund	1,000,000
Lottery Fund	1,001,360
Planning & Development Services Fund	1,000,000
Affordable Housing Fund	5,000,000
Community Housing Assistance Program Fund	4,000,000
.25 Cent Sales Tax Fund	1,250,000
Climate Action Plan Fund	1,000,000
Open Space Fund	21,606,360
Airport Fund	1,000,000
Transportation Fund	25,000,000
Transportation Development Fund	1,800,000
Community Development Block Grant (CDBG) Fund	1,000,000
HOME Investment Partnership Grant Fund	1,500,000
Permanent Parks and Recreation Fund	500,000
Boulder Junction Improvement Fund	1,500,000
2011 Capital Improvement Bond Fund	1,696,137
Water Utility Fund	4,000,000
Wastewater Utility Fund	10,000,000
Stormwater/Flood Management Fund	15,000,000
Fleet Replacement Fund (Internal Service Fund)	2,000,000
Equipment Replacement Fund (Internal Service Fund)	500,000
Facility Renovation and Replacement Fund (Internal Service Fund)	4,000,000
TOTAL	$ 116,953,857

Section 3. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2016, and ending December 31, 2016, for Fund Balances:

General Operating Fund	$31,428,000
Capital Development Fund	7,595,899
Lottery Fund	441,481
Planning and Development Services Fund	4,356,217
Affordable Housing Fund	737,606
Community Housing Assistance Program Fund	658,623
.25 Cent Sales Tax Fund	2,188,919
Library Fund	1,201,859
Recreation Activity Fund	1,582,097
Climate Action Plan Fund	187,521
Open Space Fund	15,995,892
Airport Fund	598,918
Transportation Fund	6,460,919
Transportation Development Fund	1,112,104
Permanent Parks and Recreation Fund	493,264
Boulder Junction Improvement Fund	628,298
Water Utility Fund	33,680,656
Wastewater Utility Fund	7,635,286
Stormwater/Flood Management Utility Fund	12,962,605
Telecommunications Fund	1,523,074
Property and Casualty Insurance Fund	5,391,955

Worker's Compensation Insurance Fund	2,565,245
Compensated Absences Fund	1,481,735
Fleet Operations Fund	498,399
Fleet Replacement Fund	8,201,450
Computer Replacement Fund	6,793,679
Equipment Replacement Fund	5,333,231
Facility Renovation and Replacement Fund	5,280,659
TOTAL FUND BALANCES	$167,015,591

Section 4. The City Council hereby appropriates as revenues all 2015 year-end cash balances not previously reserved for insurance or bond purposes for all purposes not designated as "emergencies", including without limitation subsequent years' expenditures, capital improvements, adverse economic conditions and revenue shortfalls, pursuant to Article X, Section 20 to the Colorado Constitution, approved by the electorate on November 3, 1992; and

Section 5. The sums of money as appropriated for the purposes defined in this ordinance shall not be over expended, and that transfers between the various appropriations defined in this ordinance shall not be made except upon supplemental appropriations by ordinance authorizing such transfer duly adopted by City Council of the City of Boulder, Colorado. It is expressly provided hereby that at any time after the passage of this 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 appropriate available revenues not included in the annual budget and appropriations ordinance.

Section 6. The City Council is of the opinion that the provisions of the within ordinance are necessary for the protection of the public peace, property, and welfare of the residents of the city, and covers matters of local concern.

Section 7. Pursuant to Section 95 of the Boulder City Charter, the annual appropriation ordinance must be adopted by December 1 and to Section 18 of the Charter, this ordinance shall take effect immediately upon publication after final passage.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY this 20th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

ORDINANCE NO. 8088

AN ORDINANCE AMENDING SECTION 3-8-3 AND CHAPTER 4-20, B.R.C. 1981, CHANGING CERTAIN FEES AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 3-8-3, B.R.C. 1981, is amended to read:

3-8-3. - Tax Imposed on Nonresidential and Residential Development.

(a) Tax Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development excise tax thereon according to the following rates:

(1) For new or additional floor area for nonresidential development per square foot of floor area:

Transportation	$2.48
Total:	$2.48

(2) For new detached dwelling unit:

Park land	$1,170.03~~1,144.84~~
Transportation	$2,275.92~~2,226.93~~
Total:	$3,445.95~~3,371.77~~

(3) For new attached dwelling unit or mobile home:

Park land	$ 813.49~~795.98~~
Transportation	$1,686.60~~1,650.29~~
Total:	$2,500.09~~2,446.27~~

(b) Waiver of Tax Imposed on Annexation of Developed Residential Land: For property annexed with existing residential development, the tax imposed by this chapter is prorated in accordance with the following formula: one twenty-sixth of the applicable tax is waived for each full year the residence existed prior to July 17, 1988. The date on which residential development existed for determination of the waiver is the date of the issuance by Boulder County of a certificate of occupancy for the structure.

Section 2. Chapter 4-20, B.R.C. 1981, is amended to read:

….

4-20-3. - Auctioneer License Fees.

An applicant for an auctioneer license shall pay an annual fee of $81~~$79~~ and $7 per person submitted for background check review.

4-20-4. - Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax.

….

(d) The value of the work covered by the permit shall be determined by either the City of Boulder Valuation Table or the estimated value of the work covered by the permit provided by the applicant at time of application. The higher of the two valuations shall be used to calculate the building permit fees and the estimated pre-payment of construction use tax if the applicant chooses to pay use taxes pursuant to Subsection 3-2-14(a), "Methods of Paying Sales and Use Tax," B.R.C. 1981.

(1) City of Boulder Valuation Table means a table of per square foot construction values based on type of construction and use. The city has adopted the August 2015~~2014~~ version of the cost data as published by the International Code Council. The table rates are for new construction which includes additions. All other scopes of work are expressed as a percentage of the new rates as follows:

Core and Shell	75%
Basement Finish	50%
All Others	50%

….

4-20-5. - Circus, Carnival, and Menagerie License Fees.

An applicant for a circus, carnival, and menagerie license shall pay $425~~$416~~ per day of operation.

….

4-20-10. - Itinerant Merchant License Fee.

An applicant for an itinerant merchant license shall pay $56~~$54~~ per year plus $7 per person submitted for background check review.

4-20-11. - Mall License and Permit Fees.

The following fees shall be paid before issuance of a revocable permit or lease, kiosk, mobile vending cart, ambulatory vendor, entertainment vending, personal services vending, or animal permit, and rental of advertising space on informational kiosks:

(a) For revocable permit or leases issued in accordance with Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981, an annual fee of $16.25~~$15.90~~ per square foot of occupied space;

(b) For kiosk permits, an annual fee to be negotiated by contract with the city manager;

(c) For mobile vending carts, $2,172~~$2,125.00~~ per year, payable in two equal payments by April 1 and August 1, or, for substitution or other permits which begin later in the year and are prorated, within thirty days of permit approval;

(d) For ambulatory vendor permits, $108~~$106.00~~ per month from May through September, and $54~~$53~~ per month from October through April;

(e) For any permits requiring use of utilities to be provided by the city, up to a maximum of $19~~$18.50~~ per day;

(f) For rental of advertising space on informational kiosks, $975 per quarter section per year;

(g) For animal permits, $0 per permit;

(h) For entertainment vending permits, $15.00~~$14.75~~ per month;

(i) For personal services vending permits, $108~~$106~~ per month from May through September, and $54~~$53.00~~ from October through April; and

(j) For a newspaper vending machine permit, $66.50 per year.

….

4-20-17. - Secondhand Dealer and Pawnbroker License Fee.

(a) An applicant for a secondhand dealer license shall pay $113~~$111~~ per year plus $7 per person submitted for background check review.

(b) An applicant for a pawnbroker license shall pay $2,128~~$2,082~~ per year plus $7 per person submitted for background check review.

(c) The fees for a new license prescribed in subsections (a) and (b) of this section shall be prorated on a monthly basis.

4-20-18. - Rental License Fee.

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

(a) Dwelling and Rooming Units: $105~~70~~ per building.

(b) Accessory Units: $105~~70~~ per unit.

(c) To cover the cost of investigative inspections, the city manager will assess to operators a $250 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

….

4-20-20. - Revocable Right of Way Permit/Lease Application Fee.

(a) An applicant for a revocable right of way permit shall pay:

(1) Initial application: $650.00.

(2) Resubmittal within four weeks of initial application: $325.00.

(3) Renewal: $113.00.

(b) An applicant for a revocable right of way lease shall pay:

(1) Initial application: $750.00.

(2) Resubmittal within four weeks of initial application: $375.00.

(3) Renewal: $150.00.

(c) An applicant for an encroachment investigation shall pay the following fees:

(1) Residential encroachment: $708.00.

(2) Commercial encroachment: $1,415.00.

(d) An applicant for an encroachment off the Pearl Street Mall shall pay an annual fee of $11.38~~11.13~~ per square foot of leased area.

(e) An applicant for a monitoring well encroachment shall pay $530.00 per well per year.

(f) Applications for any other encroachments not covered by this section will be reviewed and assessed a fee designed to recover city costs associated with the review and inspection.

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4-20-23. - Water Permit Fees.

An applicant for a water permit under Section 11-1-14, "Permit to Make Water Main Connections," 11-1-15, "Out of City Water Service," or 11-1-16, "Permit to Sell Water," B.R.C.

1981, or for water meter installation under Section 11-1-36, "Location and Installation of Meters; Maintenance of Access to Meters," B.R.C. 1981, or for testing or inspection of backflow prevention assemblies under Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly and Prevent Cross-Connection," B.R.C. 1981, and for inspection for cross-connections under Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly and Prevent Cross-Connection," B.R.C. 1981, shall pay the following fees:

(a) Permit fee (stub, connection, enlargement, renewal, abandonment):

(1)	Water residential	$127
(2)	Water nonresidential	169
(3)	Water private property repair	42
(4)	Irrigation residential	127
(5)	Irrigation nonresidential	169
(6)	Fire line residential	127
(7)	Fire line nonresidential	169
(8)	Main extension	326

(b) Inspection fee (stub, connection, enlargement, renewal, abandonment):

(1)	Water residential (first two inspections inclusive)	$169
(2)	Water nonresidential (first two inspections inclusive)	211
(3)	Irrigation residential (first two inspections inclusive)	169
(4)	Irrigation nonresidential (first two inspections inclusive)	211
(5)	Fire line residential (first two inspections inclusive)	169
(6)	Fire line nonresidential (first two inspections inclusive)	211
(7)	Each inspection after the first two inspections	94
(8)	Clear water testing fee	243

(c) Annual water resale permit $ 50

(d) Water meter installation fee:

(1)	¾″ meter	$ 616~~$639.00~~
(2)	1″ meter	868~~904.00~~
(3)	1½″ meter (domestic)	2,670~~2,493.00~~
(4)	1½″ meter (sprinkler)	2,909~~2,362.00~~
(5)	2″ meter (domestic)	3,264~~3,080.00~~
(6)	2″ meter (sprinkler)	3,178~~2,942.00~~
(7)	3″ meter	3,895~~3,621.00~~
(8)	4″ meter	5,049~~4,742.00~~
(9)	Install ¾″ meter transponder	265
(10)	Install 1″ meter transponder	311~~310.00~~
(11)	Install 1½″ meter transponder	378~~376.00~~
(12)	Install 2″ meter transponder (domestic)	400 ~~399.00~~
(13)	3″ to 8″ meter transponder (domestic)	986~~985.00~~
(14)	2″ to 8″ meter transponder (sprinkler)	986~~985.00~~

(15)	Call back for ¾″ and 1″	55
(16)	Call back for 1½″ and 2″	100~~98.00~~

Sales tax is due on materials portion of installation.

(e) Tap fee:

(1)	¾″ in DIP or CIP	$117~~$125.00~~
(2)	¾″ in AC or PVC	214~~223.00~~
(3)	1″ in DIP or CIP	127~~139.00~~
(4)	1″ in AC or PVC	222~~233.00~~
(5)	1½″	406~~465.00~~
(6)	2″	591~~608.00~~
(7)	4″	357~~377.00~~
(8)	6″	413~~434.00~~
(9)	8″	495~~516.00~~
(10)	12″	651~~672.00~~
(11)	Call back for installing a water tap	110~~123.00~~

Sales tax is due on materials portion of installation.

(f)	The emergency water conservation special permit fee is	$ 75
(g)	Tests and inspections for backflow prevention assemblies:	
(1)	To test or inspect first backflow prevention assembly	$115
(2)	Each additional assembly at same location .....~~$~~	75
(3)	For cross-connection inspection first hour	115
(4)	For each additional hour at same location	75

4-20-24. - Water Service Fees.

A person shall pay the following charges for water services:

(a)	To terminate water service	$ 33
(b)	To deliver water service termination notice	14~~15.00~~
(c)	To remove water meter	63~~62.00~~
(d)	To reset water meter	55
(e)	To resume water service	31
(f)	To resume water service after 3 p.m. or on weekends or holidays	61~~60.00~~
(g)	Special meter read	39~~40.00~~
(h)	To test meter and meter tests accurate	50

(i) Water monitors 110

4-20-25. - Monthly Water User Charges.

(a) Treated water monthly service charges:

Meter Size	Inside City	Outside City
¾″	$10.44~~9.67~~	$ 15.67~~14.51~~
1″	17.57~~16.27~~	26.36~~24.40~~
1½″	37.84~~35.04~~	56.76~~52.57~~
2″	66.29~~61.38~~	99.44~~92.08~~
3″	147.46~~136.54~~	221.19~~204.81~~
4″	261.10~~241.76~~	391.65~~362.63~~
6″	585.92~~542.52~~	878.88~~813.78~~
8″	1,040.64~~963.56~~	1,560.97~~1,445.34~~

(b) Treated water quantity charges:

(1) Block Rate Structure:

	Block Rates (per thousand gallons of water)	Block Size (% of monthly water budget)
Block 1	$ 2.76~~2.55~~	0—60%
Block 2	3.68~~3.40~~	61—100%
Block 3	7.36~~6.80~~	101—150%
Block 4	11.04~~10.20~~	151—200%
Block 5	18.40~~17.00~~	Greater than 200%

….

(d) Water leased on an annual basis: Colorado Big Thompson $35~~30.00~~ per acre foot; all other based on cost of assessment plus ten percent administrative fee or $35~~30.00~~ per acre foot, whichever is greater.

4-20-26. - Water Plant Investment Fees.

(a) Water utility customers shall pay the following plant investment fees:

The number of bedrooms, type of units, number of units, irrigated area, and AWC Usage** are used to determine water budgets as well as calculate the Plant Investment Fee. Any changes to these characteristics may require payment of an additional Plant Investment Fee before any water budget adjustments are made.

Customer Description PIF Amount

(1) Single Unit Dwelling:

Type	Amount of Square Feet of Irrigable Area	Application Rate	
Outdoor [per S.F. of irrigated area (2,000 S.F. minimum)]	First 5,000 square feet of irrigable area	15 gallons per square feet (gpsf)	$ 2.84~~2.78~~
	Next 9,000 square feet of irrigable area	12 gpsf	2.38~~2.33~~
	Irrigable area in excess of 14,000 square feet	10 gpsf	1.90~~1.86~~
Indoor			12,188.00~~11,926.00~~

Customer Description PIF Amount

(2) Multi Unit Dwelling:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

Indoor	
1 or 2 bedroom unit (per unit)	$ 6,966~~6,816.00~~
3 bedroom unit (per unit)	8,707~~8,520.00~~
4 bedroom unit (per unit)	10,448~~10,223.00~~
5 or more bedroom unit (per unit)	12,188~~11,926.00~~

(3) Nonresidential:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

Indoor:

	AWC Usage (Gallons)**		
Meter size*	25%	50%	85%
¾"	N/A	30,000	165,000
1"	42,000	108,000	503,000
1½"	99,000	228,000	924,000
2"	183,000	483,000	1,941,000

	PIF Amount		
Meter size*	25%	50%	85%
¾″	N/A	$ 4,354~~4,260.00~~	$ 23,941~~22,819.00~~
1″	$ 6,094~~5,963.00~~	15,671~~15,334.00~~	72,987~~71,416.00~~
1½″	14,365~~14,056.00~~	33,083~~32,371.00~~	134,076~~131,190.00~~
2″	26,554~~25,982.00~~	70,086~~68,577.00~~	281,645~~275,582.00~~

Water usage other than that listed above may be evaluated and assessed a proportional PIF on a case by case basis.

* Nonresidential meters larger than 2 inches require a special agreement described under Paragraph (5) of this section. The efficiency standard option with a corresponding special agreement is available to all nonresidential customers.

** Average Winter Consumption Usage (AWC Usage), is based on a usage distribution of all nonresidential accounts with a given meter size.

"N/A" means this option is not available for purchase.

(4) Irrigation service:

Usage	Application Rate	PIF Amount
Per S.F. of irrigated area (2,000 S.F. minimum)	15 gallons per square feet (gpsf)	$2.84~~2.78~~

(5) The PIF for a customer whose total water demand exceeds the water use demand described in Subsection 11-1-52(j), B.R.C. 1981, is as follows:

(A) Raw Water: [(AYWA/30,650 acre feet) x A] plus
(B) Water Delivery Infrastructure: [(PDWD/53,000,000 gallons per day) x B] = Total PIF

Where:

AYWA = customer's average year water demand in acre feet
30,650 acre feet = city's usable water rights capacity
A = value of city's raw water
PDWD = customer's peak day water demand in million gallons per day
53,000,000 gallons per day = city's current treated water delivery capacity
B = value of city's water delivery infrastructure

	Water Asset Valuations
A	$418,072,046
B	886,879,803~~867,788,457.00~~

4-20-27. - Wastewater Permit Fees.

An applicant for a wastewater tap or permit under Section 11-2-8, "When Connections With Sanitary Sewer Mains Required," or 11-2-9, "Permit to Make Sanitary Sewer Connection," B.R.C. 1981, shall pay the following fees:

(a) Permit fee (stub, connection, enlargement, renewal, abandonment):

(1)	Wastewater residential	$ 127
(2)	Wastewater nonresidential	169
(3)	Wastewater private property repair	42
(4)	Sewer main extension permit	326

(b) Inspection fee (stub, connection, enlargement, abandonment):

(1)	Wastewater residential (first two inspections inclusive)	$ 169
(2)	Wastewater nonresidential (first two inspections inclusive)	211
(3)	Each inspection after the first two inspections	94

(c) Sewer tap fee:

(1)	4″ PVC and VCP	$ 125~~133.00~~
(2)	4″ RCP	190~~206.00~~
(3)	6″ PVC and VCP	156~~164.00~~
(4)	6″ RCP	218~~234.00~~
(5)	Manhole tap	540~~598.00~~
(6)	Call back for installing a sewer tap	78~~86.00~~

Sales tax is due on materials portion of installation.

4-20-28. - Monthly Wastewater User Charges.

(a) Monthly service charge:

Meter Size	Inside City	Outside City
¾″	$ 1.50~~1.43~~	$ 2.25~~2.15~~
1″	2.64~~2.51~~	3.95~~3.76~~
1½″	6.02~~5.73~~	9.02~~8.60~~
2″	10.61~~10.10~~	15.91~~15.15~~
3″	23.85~~22.71~~	35.77~~34.07~~
4″	42.44~~40.42~~	63.66~~60.63~~
6″	95.49~~90.94~~	143.23~~136.40~~
8″	169.75~~161.67~~	254.63~~242.50~~

(b) Quantity charge:

(1) Average strength sewage (up to and including two hundred twenty mg/l TSS, twenty-five mg/l NH_3-N, or two hundred thirty mg/l BOD):

Quantity	Inside City	Outside City
Per 1,000 gallons of billable usage	$6.05~~5.76~~	$9.07~~8.64~~

(2) ~~Consumers with sewage strengths exceeding two hundred twenty mg/l TSS, or twenty-five mg/l NH_3-N, or two hundred thirty mg/l BOD, shall pay the quantity charge for average strength sewage and, additionally, $368.00 per one thousand pounds of sewage which exceeds such sewage strengths for TSS, $2,613.00 per one thousand pounds of sewage which exceeds such sewage strengths for NH_3-N, and $553.00 per one thousand pounds of sewage which exceeds such sewage strengths for BOD.~~ Excess Strength Sewage Charge. In addition to the quantity charge for average strength sewage, fees will be charged for excess strength sewage based on the following:

	Strength Exceeding (mg/l)	Fee per 1000 lbs. of discharge
TSS (Total Suspended Solids)	220	$ 376
BOD (Biological Oxygen Demand)	230	565
NH3-N (Ammonia as Nitrogen)	25	2,670

….

4-20-29. - Wastewater Plant Investment Fees.

(a) Sanitary sewer utility customers shall pay the following plant investment fees:

Customer Description

(1) Single Unit Dwelling:

PIF Amount
$4,754~~4,652.00~~

(2) Multi Unit Dwelling:

Description	PIF Amount
1 or 2 bedroom unit (per unit)	$2,716~~2,658.00~~
3 bedroom unit (per unit)	3,396~~3,323.00~~
4 bedroom unit (per unit)	4,075~~3,987.00~~
5 or more bedroom unit (per unit)	4,754~~4,652.00~~

(3) Nonresidential:

	AWC Usage (Gallons)**		
Meter size*	25%	50%	85%
¾"	N/A	~~$~~ 30,000	~~$~~ 165,000
1"	~~$~~ 42,000	108,000	503,000
1½"	99,000	228,000	924,000
2"	183,000	483,000	1,941,000

	PIF Amount ($)		
Meter size*	25%	50%	85%
¾″	N/A	$ 1,698~~1,661.00~~	$ 9,338~~9,137.00~~
1″	$ 2,377~~2,326.00~~	6,113~~5,981.00~~	28,469~~27,856.00~~
1½″	5,604~~5,483.00~~	12,905~~12,627.00~~	52,298~~51,172.00~~
2″	10,358~~10,135.00~~	27,337~~26,749.00~~	109,858~~107,493.00~~

….

(4) The PIF for a customer who exceeds the wastewater discharge described in Subsection 11-2-33(j), B.R.C. 1981, is calculated as follows:

….

	Wastewater Asset Valuations
A	$273,167,561~~267,287,242.00~~
B	30,083,313~~29,435,727.00~~
C	5,295,767~~5,181,768.00~~
D	12,134,373~~11,873,163.00~~

….

4-20-43. - Development Application Fees.

….

(b) Land use regulation fees:

….

(31) ~~New d~~Development related fees:

An applicant requesting a zoning verification letter shall pay ..... $136.00.

An applicant for a development extension/staff approval review shall pay ..... $136.00.

An applicant for a development extension/planning board approval shall pay an administrative fee of $1,580.00 plus $131.00/hour for staff time required.

An applicant requesting to rescind a development agreement shall pay ..... $547.00.

An applicant for an administrative relief/transportation/parking shall pay ..... $274.00.

An applicant for an administrative relief/nonconforming use substitution shall pay .....$274.00.

An applicant for an administrative relief/landscaping review shall pay .... $274.00.

An applicant requesting initial property addressing shall pay .....$32.00 plus $16.00/unit.

An applicant requesting a change of address shall pay ..... $274.00.

An applicant requesting a street name change/city council approval shall pay an administrative fee of $1,580.00 plus $131.00/hour for staff time required.

Boulder Valley Comprehensive Plan fees:

An applicant for a land use designation change outside the annual update process shall pay $630.00.

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4-20-45. - Storm Water and Flood Management Fees.

(a) Owners of detached residences and attached single unit metered residences in the city shall pay the following monthly storm water and flood management fees:

Size of Parcel

(1) Up to 15,000 sq. ft. ..... $14.00~~13.46~~

(2) 15,000—30,000 sq. ft. ..... 17.49~~16.82~~

(3) 30,001 sq. ft. and over ..... 21.01~~20.20~~

(b) The owners of all other parcels of land in the city on which any improvement has been constructed shall pay a storm water and flood management fee based on the monthly rate in Paragraph (a)(1) of this section (for up to a fifteen thousand square foot parcel) multiplied by the ratio of the runoff coefficient of the parcel to a

coefficient of 0.43 and by the ratio of the area of the parcel in square feet to a seven thousand square foot parcel. If the calculation results in a fee less than the monthly rate in Paragraph (a)(1) of this section, then the fee specified in Paragraph (a)(1) of this section will be assessed.

4-20-46. - Storm Water and Flood Management Utility Plant Investment Fee.

Owners of all parcels of land in the city submitting building permit applications shall pay a storm water and flood management plant investment fee based on the square feet of added impervious area. However, if new storm water detention facilities are built by the owner according to the most current City of Boulder Design and Construction Standards in effect at the time the building permit application is submitted, on or after April 2, 2009, the applicable fee shall be reduced by fifty percent.

	PIF Amount
(Per Square Foot of Impervious Area)	$2.19~~2.14~~

….

4-20-49. - Neighborhood Parking Permit Fee.

(a) A zone resident applying for a neighborhood parking permit shall pay $17 for each permit or renewal thereof.

(b) A business applying for a neighborhood parking permit for employees shall pay $75 for each permit or renewal thereof.

(c) An individual who does not reside within the zone applying for a neighborhood parking permit, if permitted in the zone, shall pay $90~~$82~~ for each quarterly permit or renewal thereof.

….

4-20-62. - Capital Facility Impact Fee.

(a) Impact Fee Rate: No person engaged in nonresidential or residential development in the city shall fail to pay a development impact fee. Fees shall be assessed and collected according to the standards of Chapter 8-9, "Capital Facility Impact Fee," B.R.C. 1981, and the following rates:

Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit

Size Range (SF)	IMPACT FEE RATE						
	Library	*Parks & Recreation*	*Human Services*	*Municipal Facilities*	*Police*	*Fire*	*TOTAL*
900 or less	$222	$1,519	$71	$136	$142	$101	$2,191
901-1000	$257	$1,763	$82	$157	$165	$117	$2,541

1001-1100	$288	$1,974	$93	$175	$186	$130	$2,846
1101-1200	$316	$2,169	$102	$193	$203	$143	$3,126
1201-1300	$342	$2,347	$111	$209	$220	$157	$3,386
1301-1400	$366	$2,512	$118	$223	$236	$166	$3,621
1401-1500	$390	$2,668	$125	$237	$249	$176	$3,845
1501-1600	$410	$2,813	$133	$252	$263	$187	$4,058
1601-1700	$429	$2,951	$139	$262	$276	$195	$4,252
1701-1800	$451	$3,077	$144	$273	$288	$204	$4,437
1801-1900	$467	$3,198	$151	$285	$300	$213	$4,614
1901-2000	$483	$3,313	$157	$295	$310	$220	$4,778
2001-2100	$499	$3,421	$161	$304	$319	$226	$4,930
2101-2200	$515	$3,526	$166	$314	$332	$234	$5,087
2201-2300	$529	$3,625	$170	$321	$340	$240	$5,225
2301-2400	$544	$3,722	$175	$333	$350	$246	$5,370
2401-2500	$556	$3,813	$180	$340	$357	$254	$5,500
2501-2600	$570	$3,900	$185	$348	$364	$259	$5,626
2601-2700	$581	$3,984	$189	$355	$373	$264	$5,746
2701-2800	$594	$4,066	$192	$361	$381	$270	$5,864
2801-2900	$605	$4,145	$195	$368	$389	$275	$5,977
2901-3000	$616	$4,221	$198	$375	$396	$281	$6,087
3001-3100	$626	$4,292	$201	$383	$402	$286	$6,190
3101-3200	$638	$4,365	$205	$389	$409	$291	$6,297
3201-3300	$648	$4,433	$209	$396	$416	$295	$6,397
3301-3400	$658	$4,501	$213	$401	$422	$300	$6,495
3401-3500	$666	$4,566	$216	$407	$427	$303	$6,585
3501-3600	$676	$4,629	$219	$413	$432	$307	$6,676
3601-3700	$686	$4,690	$221	$417	$438	$310	$6,762

Table 2: Impact Fee Rates for Multifamily Family Residential per Dwelling Unit

Size Range (SF)	**IMPACT FEE RATE**						
	Library	***Parks & Recreation***	***Human Services***	***Municipal Facilities***	***Police***	***Fire***	***TOTAL***
600 or less	$234	$1,604	$74	$142	$151	$174	$2,379
601-700	$284	$1,942	$92	$171	$183	$211	$2,883
701-800	$325	$2,236	$105	$198	$209	$243	$3,316
801-900	$363	$2,494	$118	$222	$234	$272	$3,703
901-1000	$398	$2,724	$128	$242	$256	$297	$4,045
1001-1100	$427	$2,933	$139	$261	$275	$319	$4,354
1101-1200	$457	$3,123	$146	$278	$293	$341	$4,638

1201-1300	$482	$3,299	$155	$294	$308	$360	$4,898
1301-1400	$504	$3,462	$163	$308	$324	$377	$5,138
1401-1500	$527	$3,614	$169	$320	$339	$396	$5,365
1501-1600	$548	$3,754	$176	$335	$352	$410	$5,575

Table3: Impact Fee Rates for Nonresidential

Nonresidential Uses	**Impact Fee Rates Per Square Foot of Nonresidential Floor Area**			
	Municipal Facilities	***Police***	***Fire***	***TOTAL***
Retail/ Restaurant	$0.15	$0.50	$0.40	$1.05
Business Park	$0.17	$0.11	$0.10	$0.38
Office	$0.21	$0.17	$0.61	$0.99
Hospital	$0.18	$0.16	$0.52	$0.86
School	$0.04	$0.08	$0.13	$0.25
Mini-Warehouse	$0.00	$0.02	$0.00	$0.02
Warehousing	$0.07	$0.04	$0.04	$0.15
Light Industrial	$0.12	$0.06	$0.08	$0.26
Other Nonresidential Uses	**Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators**			
	Municipal Facilities	***Police***	***Fire***	***TOTAL***
Nursing Home (per bed)	$20.19	$22.44	$54.98	$97.61
Day Care (per student)	$7.85	$20.20	$24.68	$52.73
Lodging (per room)	$24.68	$53.85	$68.44	$146.97

~~Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit~~

~~Size Range (SF)~~	~~IMPACT FEE RATE~~						
	~~Library~~	~~Parks & Recreation~~	~~Human Services~~	~~Municipal Facilities~~	~~Police~~	~~Fire~~	~~Total~~
~~900 or less~~	~~$218~~	~~$1,489~~	~~$70~~	~~$133~~	~~$139~~	~~$99~~	~~$2,148~~
~~901 – 1000~~	~~252~~	~~1,728~~	~~80~~	~~154~~	~~162~~	~~115~~	~~2,491~~
~~1001 – 1100~~	~~282~~	~~1,935~~	~~91~~	~~172~~	~~182~~	~~127~~	~~2,789~~
~~1101 – 1200~~	~~310~~	~~2,126~~	~~100~~	~~189~~	~~199~~	~~140~~	~~3,064~~
~~1201 – 1300~~	~~335~~	~~2,301~~	~~109~~	~~205~~	~~216~~	~~154~~	~~3,320~~
~~1301 – 1400~~	~~359~~	~~2,463~~	~~116~~	~~219~~	~~231~~	~~163~~	~~3,551~~
~~1401 – 1500~~	~~382~~	~~2,616~~	~~123~~	~~232~~	~~244~~	~~173~~	~~3,770~~
~~1501 – 1600~~	~~402~~	~~2,758~~	~~130~~	~~247~~	~~258~~	~~183~~	~~3,978~~
~~1601 – 1700~~	~~421~~	~~2,893~~	~~136~~	~~257~~	~~271~~	~~191~~	~~4,169~~
~~1701 – 1800~~	~~442~~	~~3,017~~	~~141~~	~~268~~	~~282~~	~~200~~	~~4,350~~

~~1801 – 1900~~	~~458~~	~~3,135~~	~~148~~	~~279~~	~~294~~	~~209~~	~~4,523~~
~~1901 – 2000~~	~~474~~	~~3,248~~	~~154~~	~~289~~	~~304~~	~~216~~	~~4,685~~
~~2001 – 2100~~	~~489~~	~~3,354~~	~~158~~	~~298~~	~~313~~	~~222~~	~~4,834~~
~~2101 – 2200~~	~~505~~	~~3,457~~	~~163~~	~~308~~	~~325~~	~~229~~	~~4,987~~
~~2201 – 2300~~	~~519~~	~~3,554~~	~~167~~	~~315~~	~~333~~	~~235~~	~~5,123~~
~~2301 – 2400~~	~~533~~	~~3,649~~	~~172~~	~~326~~	~~343~~	~~241~~	~~5,264~~
~~2401 – 2500~~	~~545~~	~~3,738~~	~~176~~	~~333~~	~~350~~	~~249~~	~~5,391~~
~~2501 – 2600~~	~~559~~	~~3,824~~	~~181~~	~~341~~	~~357~~	~~254~~	~~5,516~~
~~2601 – 2700~~	~~570~~	~~3,906~~	~~185~~	~~348~~	~~366~~	~~259~~	~~5,634~~
~~2701 – 2800~~	~~582~~	~~3,986~~	~~188~~	~~354~~	~~374~~	~~265~~	~~5,749~~
~~2801 – 2900~~	~~593~~	~~4,064~~	~~191~~	~~361~~	~~381~~	~~270~~	~~5,860~~
~~2901 – 3000~~	~~604~~	~~4,138~~	~~194~~	~~368~~	~~388~~	~~275~~	~~5,967~~
~~3001 – 3100~~	~~614~~	~~4,208~~	~~197~~	~~375~~	~~394~~	~~280~~	~~6,068~~
~~3101 – 3200~~	~~625~~	~~4,279~~	~~201~~	~~381~~	~~401~~	~~285~~	~~6,172~~
~~3201 – 3300~~	~~635~~	~~4,346~~	~~205~~	~~388~~	~~408~~	~~289~~	~~6,271~~
~~3301 – 3400~~	~~645~~	~~4,413~~	~~209~~	~~393~~	~~414~~	~~294~~	~~6,368~~
~~3401 – 3500~~	~~653~~	~~4,476~~	~~212~~	~~399~~	~~419~~	~~297~~	~~6,456~~
~~3501 – 3600~~	~~663~~	~~4,538~~	~~215~~	~~405~~	~~424~~	~~301~~	~~6,546~~
~~3601 – 3700~~	~~673~~	~~4,598~~	~~217~~	~~409~~	~~429~~	~~304~~	~~6,630~~

~~Table 2: Impact Fee Rates for Multifamily Residential per Dwelling Unit~~

~~Size Range (SF)~~	~~IMPACT FEE RATE~~						
	~~Library~~	~~Parks & Recreation~~	~~Human Services~~	~~Municipal Facilities~~	~~Police~~	~~Fire~~	~~Total~~
~~600 or less~~	~~$229~~	~~$1,573~~	~~$73~~	~~$139~~	~~$148~~	~~$171~~	~~$2,333~~
~~601 – 700~~	~~278~~	~~1,904~~	~~90~~	~~168~~	~~179~~	~~207~~	~~2,826~~
~~701 – 800~~	~~319~~	~~2,192~~	~~103~~	~~194~~	~~205~~	~~238~~	~~3,251~~
~~801 – 900~~	~~356~~	~~2,445~~	~~116~~	~~218~~	~~229~~	~~267~~	~~3,631~~
~~901 – 1000~~	~~390~~	~~2,671~~	~~125~~	~~237~~	~~251~~	~~291~~	~~3,965~~
~~1001 – 1100~~	~~419~~	~~2,875~~	~~136~~	~~256~~	~~270~~	~~313~~	~~4,269~~
~~1101 – 1200~~	~~448~~	~~3,062~~	~~143~~	~~273~~	~~287~~	~~334~~	~~4,547~~
~~1201 – 1300~~	~~473~~	~~3,234~~	~~152~~	~~288~~	~~302~~	~~353~~	~~4,802~~
~~1301 – 1400~~	~~494~~	~~3,394~~	~~160~~	~~302~~	~~318~~	~~370~~	~~5,038~~
~~1401 – 1500~~	~~517~~	~~3,543~~	~~166~~	~~314~~	~~332~~	~~388~~	~~5,260~~
~~1501 – 1600~~	~~537~~	~~3,680~~	~~173~~	~~328~~	~~345~~	~~402~~	~~5,465~~

~~Table 3: Impact Fee Rates for Nonresidential~~

~~Nonresidential Uses~~	~~Impact Fee Rates Per Square Foot of Nonresidential Floor Area~~				
	~~Municipal Facilities~~	~~Police~~	~~Fire~~	~~Affordable Housing~~	~~Total~~
~~Retail/Restaurant~~	~~$0.14~~	~~$0.50~~	~~$0.40~~	~~$6.96~~	~~$8.00~~
~~Business Park~~	~~$0.17~~	~~$0.11~~	~~$0.10~~	~~$7.70~~	~~$8.08~~
~~Office~~	~~$0.21~~	~~$0.17~~	~~$0.59~~	~~$9.53~~	~~$10.50~~
~~Hospital~~	~~$0.18~~	~~$0.15~~	~~$0.51~~	~~$8.23~~	~~$9.07~~
~~School~~	~~$0.04~~	~~$0.08~~	~~$0.13~~	~~$2.24~~	~~$2.49~~

~~Mini-Warehouse~~	~~$0.00~~	~~$0.02~~	~~$0.00~~	~~$0.09~~	~~$0.11~~
~~Warehousing~~	~~$0.07~~	~~$0.04~~	~~$0.04~~	~~$3.11~~	~~$3.26~~
~~Light Industrial~~	~~$0.12~~	~~$0.06~~	~~$0.08~~	~~$5.62~~	~~$5.88~~
~~Other Nonresidential Uses~~	~~Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators~~				
	~~Municipal Facilities~~	~~Police~~	~~Fire~~	~~Affordable Housing~~	~~Total~~
~~Nursing Home (per bed)~~	~~$19.80~~	~~$22.00~~	~~$53.89~~	~~$877.64~~	~~$973.33~~
~~Day Care (per student)~~	~~$7.70~~	~~$19.80~~	~~$24.19~~	~~$389.60~~	~~$441.29~~
~~Lodging (per room)~~	~~$24.19~~	~~$52.80~~	~~$67.10~~	~~$1,072.44~~	~~$1,216.53~~

(b) Additional Floor Area—Affordable Housing Linkage Fee. Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, permits floor area components above the base floor area in the DT-5 zoning district. No person engaged in nonresidential development that is associated with constructing additional floor area components permitted under the requirements of Section 9-8-2, "Floor Area Ratio Requirements," B.R.C. 1981, shall fail to pay a housing linkage fee of $9.53 per sq. ft. for such floor area.

….

4-20-66. - Mobile Food Vehicle Sales.

An applicant for a mobile food vehicle permit shall pay a $236~~$231~~ application fee and a $236~~$231~~ renewal fee per year.

Section 3. This ordinance is effective on January 1, 2016.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 5. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 2015.

_____
Mayor

Attest:

_____
City Clerk

Additional Information Related to Specific Topics Discussed at the Sept. 8 Study Session on the 2016 Recommended Budget

Colorado Climate Coalition

The City of Boulder, Boulder County and the Rocky Mountain Climate Organization are engaged in an effort to create what is preliminarily to be called a Colorado Climate Future Coalition. Staff is asking for $30,000 to be appropriated in 2016 for that purpose. As the first well-funded, fully equipped, local-government-centered consortium of Colorado champions for climate action, the coalition would focus primarily on influencing state government actions to both reduce emissions and support local decisions. The founding members of the Coalition, which are still being identified and recruited, would set the initial coalition policy goals on a consensus basis to ensure that the interests of all members are met. As examples, they might include advocating for:

- An effective state plan to comply with the forthcoming federal Clean Power Plan, which will determine the largest emission reductions under state law over the next few years.
- Working together on strategies for implementing the new Colorado Climate Action Plan.
- Effective electricity and natural gas demand-side management programs for energy providers.
- Upgraded electricity transmission networks that can allow full, effective use of clean, renewable energy resources.
- Development of statewide outreach campaigns to encourage businesses and individuals to take voluntary actions to improve energy efficiency.
- Support of legislation to initiate innovative energy technologies, pricing, and performance metrics and incentives.

All policy goals agreed to by the city would be in furtherance of council's direction as captured in its annual State and Federal Legislative Agenda. Funding for this coalition would go primarily towards the expenses necessary to hire professional consultants with expertise in these areas to advocate for these priorities.

Funds for Legal Assistance to Mobile Home Owners in Boulder

At the April 21, City Council meeting, council approved 2015 funding of $20,000 from the City Manager's Contingency to provide legal assistance to mobile home owners in Boulder. Following an RFP, the city entered into a contract with the National Manufactured Home Owners Association (NMHOA) for these services. An additional $15,000 will be requested through adjustment to base for the remainder of 2015. Given the positive results of this service and the continuing community need, staff is recommending that $50,000 be added to the 2016 Recommended Budget in the City Attorney's Office for ongoing legal assistance to Boulder mobile home owners.

Public Wi-Fi

At the Sept. 8 study session council asked staff if there had been consideration of providing public Wi-Fi to the Boulder Meadows Mobile Home Park, when evaluating potential locations for additional public Wi-Fi in the city.

A preliminary site assessment of the Boulder Meadows Mobile Home Park, located at 4500 19th Street was performed in order to determine the viability of bringing free city sponsored Wi-Fi services to this location. This site encompasses over 3.7 million square feet or roughly 86 acres comprised of various types of mobile homes. The closest fiber connected city facility is located approximately 600 feet from the entrance to the mobile home park.

To be effective, implementing outdoor wireless technology requires deploying Wireless Access Points (WAP's) every 150 – 200 feet to ensure adequate coverage. Per city code, these WAP's must be installed on existing structures, e.g. buildings, and are not allowed on light poles, street signs or similar mounting points. In addition, depending upon environmental obstructions, i.e. trees, bushes, buildings, etc., roughly 60 percent of the installed WAP's will need to be directly attached to the city's network via copper or fiber optic cable. Further, it is important to understand that outdoor Wi-Fi is optimally designed to provide coverage to parks, picnic areas and other similar open space areas where intended users of the technology will congregate. To provide outdoor Wi-Fi services to users within a building or home will require a much greater density of WAP's to ensure the signal can penetrate the exterior walls of a structure with enough signal strength to provide adequate service to people inside their home. These factors greatly increase the overall cost to deploy a solution to this mobile home park.

A significant engineering study would need to be performed to determine the cost to deploy this service in the Boulder Meadows location. However, the recent effort to provide Wi-Fi services in the Civic Area provides a basis for comparison. The portion of the Civic Area served by Wi-Fi encompasses 361,023 square feet or roughly 8.5 acres of relative open space and is surrounded by city facilities that are already connected to the city's data network and also provided allowable structures to mount the needed WAP's. This is an optimal location from a connectivity standpoint and the cost to implement Wi-Fi in this area was just under $100,000. As the Boulder Meadows Mobile Home Park encompasses an area roughly ten times the size, with inadequate structures to mount the needed WAP's and no city facilities in close proximity, a conservative estimate to bring Wi-Fi services to this area would exceed $1 million. As noted previously, this is an estimate based upon a minimal site survey of the neighborhood. If there is an interest to further explore this possibility, staff would need to identify funding to engage an engineering firm to perform a detailed assessment and coverage design plan, from which a more accurate cost estimate could be made.

Living Wage and Contracts

An inter-departmental staff team is working on the issue of living wages as it relates to the City of Boulder as an employer and contractor. Analysis and options will be provided to the city's Human Relations Commission (HRC) for consideration in November and to council in the first quarter of 2016. Potential budget impacts could be addressed through an adjustment to base in 2016.

Bilingual Liaison Support

Staff recognizes the value of having a high level of bilingual and bicultural competency in the city for public outreach and engagement. It is, however, relevant to note that there are different needs and dialects even within Spanish speaking communities, as well as differing needs within other communities for bilingual/cultural support services. To best address these multiple needs,

contracting out this service, on a function by function basis, would help to address the needs of a broad range of different communities when doing public outreach. Additionally, staff will continue to evaluate the possibility of hiring bilingual and/or bicultural staff in key positions across the organization, where appropriate.

Subcommunity and Area Planning

Boulder has a strong tradition of using subcommunity and area planning to guide redevelopment in areas of change, engaging affected property owners, neighbors and the broader community in a process of visioning, policy making and subsequent implementation to ensure that redevelopment is consistent with community values and helps to achieve a broad range of community outcomes. Examples of subcommunity and area planning in Boulder include the former Crossroads Mall area, the Downtown Alliance process, the North Boulder Subcommunity Plan, the Gunbarrel Community Center Plan, the Transit Village Area Plan, and the Civic Area Master Plan. While the scope of work for each of these efforts is determined by area-specific issues and goals, these plans typically address land use mix and development intensity, design character, multimodal access and connectivity, utility capacity, public safety (including flood), parks and community facilities, and arts and culture. Implementation is often carried out through subsequent rezoning, adoption of design guidelines, exactions of public rights of way and other community benefit through the development review process, and public investment through the city's capital facilities program.

In the coming year, staff anticipates undertaking a new area planning effort in relation to the potential redevelopment of the Broadway Community Health campus on Broadway, and potentially reinitiating work on the East Arapahoe corridor planning effort that was postponed in early 2015 due to other priorities. Staff is also incorporating a subcommunity and area framework into the data analysis and engagement process for the 2015 Boulder Valley Comprehensive Plan update, which may help to better understand differing needs and priorities for different parts of the city.

If council were to request a work effort to develop subcommunity and area plans for all parts of the city, staff would develop a draft approach and scope, and options related to the addition of resources to support such an effort and/or adjustments to the 2016/17 work plan. As discussed at the budget study session, multiple departments would need to be engaged in such an effort, and the staff, resource and schedule impacts would need to be considered across all the affected work groups.

Library Fund

At the Sept. 8 study session, council asked for clarification on the current funding structure, including a General Fund transfer to the Library Fund.

Current practice for allocating funds to the Library and Arts Department for operating purposes includes a transfer of approximately $6.3 million to the Library Fund from the General Fund annually. The Library Fund also holds a one-third mill property tax (currently about $860,000) designated by charter for library purposes. This is not common practice, as most cities show library operations as part of the General Fund and no transfers are made to a separate fund. It is

common practice for a library to have a separate fund for donations, endowments, dedicated revenues, etc.

For financial reporting purposes, the city is required to consolidate the Library and General funds, because the Library Fund does not qualify as a separate fund under Government Accounting Standards Board requirements, as a result of the fact that a majority of revenues in the fund come from a transfer from the General Fund.

Staff supports changing the General Fund allocation structure to the Library and Arts Department, as suggested by council. This would entail including direct General Fund allocation of budget to the Library and Arts Department in the amount of the current transfer. It is important to note that no change to the General Fund budget allocation to the department is proposed for 2016. This structural change would, however, simplify the funding method by eliminating the need for a transfer, while ensuring a separate Library Fund under accounting rules, for the maintenance of dedicated revenues for Library purposes.

However, as there is a proposed Charter amendment related to the Library on the November ballot, staff recommends making this change at a later date.

Property Tax Limitations

In the Nov. 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 mills each year until the credit was completely eliminated. In 2012, the remaining mill levy credit was completely eliminated. The City of Boulder is no longer subject to TABOR revenue limitations on any revenues. Additionally, as a Home Rule City, the City of Boulder is not subject to the 5.5 percent State Statute revenue limitation.

The table below indicates whether other taxing entities in Boulder are subject to these two limitations.

Tax District	Subject to TABOR Revenue Limitations	Subject to 5.5% Property Tax Revenue Limit
Boulder County	No	Yes
Boulder Rural	No	No
Boulder Valley School District	Yes	No
CAGID	Yes	No
City of Boulder	No	No
Forest Glen Transit Pass District	No	Yes
Northern Water	No	No
RTD	Yes	No
UGID	Yes	Yes
Urban Drainage and Flood Control District	Yes	Yes

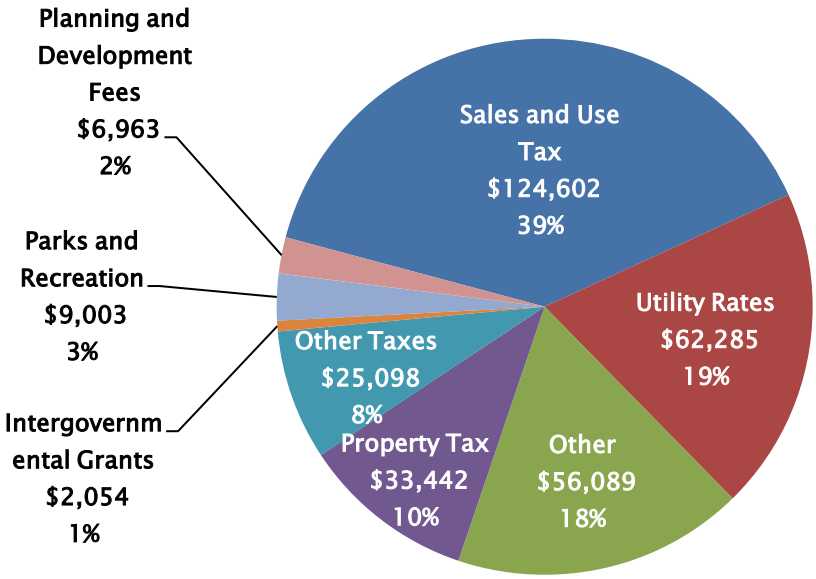
Reserves Across All City Funds

Each of the city's funds, both restricted and non-restricted, have indentified the types of reserves appropriate or required, depending on the nature of the fund. Reserves may be needed or recommended for emergencies, revenue shortfalls, various liabilities, and bond obligations, for example. A number of funds use a percentage of operating budget as a basis for reserve level calculation. That percentage may vary depending on risk factors associated with the fund. Utilities funds have a higher reserve target than most other funds because of the financial requirements of enterprise funds and bond obligations in those funds. The Budget Policies section of the Recommend Budget Document defines individual reserve goals by fund and provides explanation of these (pp. 73-82). The annual budget process includes review of reserve levels and current budget recommendations include a multi-year plan to analyze reserve levels in city funds, taking into consideration legal requirements, risk factors and best practices. Most recently, incremental adjustments to reserve levels have occurred in the Transportation Fund, .25 Cent Sales Tax Fund and the General Fund.

Other Revenues

At the Sept. 8 study session, council asked what specific revenues were captured in the "other" category of the citywide revenues pie chart (see below) and included in the Recommended Budget and the study session presentation.

Citywide Revenues – 2016 Recommended Budget
Total: $319 Million



The "other" category of citywide revenues is comprised of:

- Affordable Housing payment in lieu fees
- Contributions and donations

- Disposable bag fees
- Highway revenues
- Impact fees and miscellaneous development fees, not collected in the Planning and
- Development Services fund
- Insurance proceeds
- Interest and investment earnings
- Internal services fund charges
- Leases, rents, and royalties
- Licenses
- Lottery funds
- Miscellaneous charges for services, fines and administrative penalties
- Miscellaneous intergovernmental revenue
- Municipal Court charges, awards and fines
- Pension contributions
- Photo enforcement revenue
- Sales of goods and capital assets
- Senior Services admission and activity charges
- Third party reimbursements

Additional Information on 2002 – 2016 City of Boulder Staffing

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total FTEs	**1,304.69**	**1,287.69**	**1,234.76**	**1,210.11**	**1,218.09**	**1,251.34**	**1,281.17**	**1,288.55**	**1,248.74**	**1,230.50**	**1,244.71**	**1,260.62**	**1,286.01**	**1,358.77**	**1,419.12**
Year to year change		(17.00)	(52.93)	(24.65)	7.98	33.25	29.83	7.38	(39.81)	(18.24)	14.21	15.91	25.39	72.76	60.35

The above table represents year to year changes in the City of Boulder's full-time equivalent (FTE) employees from 2002 to 2016, through two different recession periods. It should be noted that the original proposed budget in 2004 outlined a reduction of 93 FTEs, but due to the passing of two sales tax increments from the November 2003 ballot (.15 Cent sales tax for General Fund purposes and .15 Cent sales tax for OSMP), some services were restored and the FTE reduction for 2004 was less severe. The number above shows the FTE amounts with the services restored. Since 2002, the City of Boulder staffing has increased by 114 FTEs.

From 2002 to 2005, reductions were made through a prioritized, multi-year plan, with a focus on internal efficiency, reduction through attrition, and least impact to the community. As we came out of that recession, the organization added back FTE moderately and with a focus on service to the community. At the same time, the city engaged in long-range strategic financial analysis, including the work of the Blue Ribbon Commissions, which addressed long-term trends and set forth a strategy to address the projected gap between revenues and expenditures. This plan included both revenue enhancement and cost savings, and Priority Based Budgeting was implemented to help ensure that resources were allocated to the highest community priorities. New financial strategies since 2008 provided for a more sustainable financial future by setting a policy of not adding a new service unless it has offsetting new revenue, ongoing revenue is used for ongoing expense, and one-time revenue is used for one-time expense. As a result of this work, the organization was able to maintain service and minimize impact during and coming out of the Great Recession. With a recovered economy, a desire for enhanced service, and bold initiatives underway, the city has proposed a number of key staff positions in 2015 and 2016 in support of community priorities and to ensure organizational resilience for the future.

A large portion of the reductions during each recession came from personnel that supported the organization internally (both in internal services and internally within departments), from deferring maintenance and renovation of facilities to address only life/safety issues, or deferring equipment maintenance and replacement. Departments examined services and reorganized themselves in order to provide the most efficient service possible while striving to do more with less many years in a row. Outsourcing a service was done when proven to be more practical. No department was exempt although reductions in Fire, Police and Human Services safety net programs were reduced to a lesser degree. As positions were reduced, job functions were spread to existing personnel increasing the burden on them to seamlessly provide services to the public or internally to each other. Some areas that were reduced but eventually added back as revenues rose again were: library branch hours; custodians; EcoPass programs; Channel 8 productions; the junior ranger program; trails capital projects; seasonal hiring; less-utilized recreational classes; use of consultants in all areas; less-utilized community programs for youth and seniors; reduced parks maintenance; marketing of programs in library, parks and recreation, OSMP, and Human Services; planning services; and GIS support. Several areas are now able to address master plan initiatives (Parks and Recreation, OSMP, Police, Transportation). Through the years, several programs were created or were enhanced in areas such as energy, sustainability, economic vitality, utilities (especially in the area of water resources and storm water/flood management), programs surrounding the legalization of marijuana (taxation, inspections, education), photo radar enforcement, and taking over fire dispatch from Boulder County.

Here are some examples of FTE growth and reductions in the city both in response to new programs/needs and providing efficiency:

Police has grown by 9 employees in line with master plan recommendations. Over the years there have been reductions in records, dispatch and the K-9 unit. Of the 9 FTE net increase, 4 FTE were transferred from the County for fire dispatch.

Fire has increased by 12 FTEs since 2002. In 2009 a firefighter was added, to offset overtime and provide additional station coverage. Based on recommendations arising from the Fire Master Plan process, 4 FTEs were converted from seasonal employees to standard employees for the wildland crew, and a battalion chief and 1 FTE admin support were added. 2 FTEs were also added for increases in fire safety education, public outreach, incident response and a comprehensive occupational safety and health program. Legalization of marijuana has required the need for a dedicated hazmat/marijuana inspector. Additional FTE are proposed in 2016 for data analysis and community risk reduction.

Parks and Recreation has reduced 21.8 FTEs since 2002 across all of its funds (General, .25 cent, Perm Parks, Recreation Activity Fund). Reorganization, outsourcing, evaluating and eliminating under-utilized programs, utilizing seasonal staff as opposed to standard FTEs have contributed to Parks and Recreation's success at reducing while continuing to provide a high level of service.

Since 2002, Open Space and Mountain Parks has grown by 42 FTEs. Much of this change is attributed to increased investment in trail building and maintenance in an effort to "protect what we have". Increased emphasis has also been placed on system planning through regional Trail Studies and Visitor Master Plans, accounting for more than 10 fixed-term hires to ensure all system resources are documented and protected. Since the 2013 flood, much staff time has been dedicated to flood recovery efforts, resulting in the extension of several fixed-term positions in Cultural Resource Administration, Water Resources, and Trails. Finally, in 2015 the department underwent a reorganization that converted several existing positions to fit a new organizational structure and hired new staff to address community priorities.

Library/Arts is another department that has reduced FTEs over 2002 levels. At 78 FTEs in 2016, this is 13.5 FTEs less than 2002 between the General Fund and Library Fund. This department eliminated FTE in 2003 through 2005 reducing people, services, and branch hours. Branch hours were restored in 2006 and 2014 achieved primarily through staff re-organization. Through the years, FTEs have been slowly added back in areas of children's programming, technical services, shelving and security. In 2016, a position in Arts is proposed for implementation of the community cultural plan.

In 2003, Human Services addressed the shortfall by reducing community agency programs and one-time special events for youth. Through consolidation and reorganization, they were able to reduce FTEs in 2004 and reallocate work to existing staff. Community Development Block Grant (CDBG) funded FTEs have decreased by 3 from the 2002 level due to decreased federal funding. Overall, Human Services has 7 fewer FTEs than the 2002 level. In 2010, the prevention and intervention program, which is a program for middle and high school kids, was spun off to Mental Health Partners. The city still supports this high-priority program through funding rather than as a direct service. Also in that same timeframe, the Early Childhood Council of Boulder County was spun off into another non-profit. This program is used to increase child care providers in the community and help them provide quality childcare.

From 2002 to 2016 the city's affordable housing inventory and available funding has doubled. Housing staffing levels have increased by 3.5 FTE over 2002 levels, driven by the need to administer expanded programs, as a result of this growth, and to develop and implement housing policy in response to community priorities. Staffing has been added to support homeownership programs and internal operations, including compliance monitoring and administration of the increased inventory of affordable housing. Additional positions were added initially in support of flood recovery

programs, with a shift in duties more recently to support various planning and policy development functions and the Housing Boulder initiative.

Since 2002, the former Department of Planning (more recently Community Planning and Sustainability, and most recently Planning, Housing and Sustainability) has undergone several rounds of assessment and reorganization in response to the evolving needs of the community and organization. This, in addition to increased activity levels in development review, council priorities and increased community expectations, has resulted in an overall increase of 23 FTEs to the department. In 2001, the Planning Department and a portion of Public Works came together to form Planning and Development Services (P&DS). P&DS is a fund and service area that was established in recognition of the inter-relationships of its responsibilities, to work more efficiently and in a way that is more collaborative and customer-centered. In 2009, 12 FTES were reallocated from other parts of the city organization to the Planning Department (renamed Community Planning and Sustainability), to better integrate traditional planning functions with environmental affairs, economic vitality, and the work done by various work groups/departments on social sustainability. Subsequently, the number of FTEs remained steady until 2013 through 2015, when additional resources were added to support council goals and work program priorities. Of the remaining 11 FTEs that have been added, some are fixed term, one is grant funded (the Chief Resilience Officer), and some are from reallocation (e.g., zoning enforcement). However, the majority are in response to increased activity levels in P&DS, funded by revenues from fees for services.

Since 2002, Public Works/Development and Support Services has experienced an overall decrease of 13 FTEs. In 2001, the Planning Department and a portion of Public Works came together to form Planning and Development Services (P&DS), as noted above. The FTEs that support development have fluctuated through the years based upon the level of activity in P&DS and reallocations to the Department of Planning, Housing & Sustainability (formerly known as Community Planning and Sustainability). The overall change in Development FTEs has been a decrease of 1.0. In Support Services, which includes Facilities and Asset Management (FAM), and Fleet Services, the overall change has been a decrease of 12 FTEs. In 2003 and 2004, declining revenues required reductions in FAM services (elimination of 3 FTEs) and some outsourcing. Additionally, Public Works Administration was originally reflected in the Support Services budget and in 2004 and 2005, approximately 13 FTEs were reallocated across all the divisions in Public Works. Since then, Support Services FTE level has remained fairly constant with recent additions in 2015 and 2016 for increased facility maintenance FTEs and a reallocation of funding and FTE from the Library.

In Public Works Utilities, which includes Water, Wastewater, and Stormwater/Flood, the 2016 staffing level is 26 FTEs over 2002, although 6 of the FTE were due to a reorganization in 2004-2005 which moved existing positions from Support Services. In 2007, 2.5 positions were added for technical, customer service and analytical support related to the new utility billing system and the water budget rate structure, and 2 positions were added to support regulatory driven operational changes at the Wastewater Treatment Facility. The most significant year of changes was in 2015 (8.25 in Stormwater/Flood, 2.75 in Wastewater, and 1.0 in Water) and focused primarily on rehabilitating aging infrastructure to improve system resiliency and expediting flood mitigation efforts along the city's 15 major drainageways.

Five FTEs have been added to Public Works/ Transportation since 2002. In 2003, declining revenues required reductions in expenditures and Transportation eliminated 2 FTEs and scaled back system expansion. In 2005, FTEs were further reduced in communications, signs and markings, and traffic mitigation; these reductions were partially offset by FTE reallocations for Public Works Administration that were previously reflected in the Public Works Support Services budget. The reduced services were later restored in 2007. In 2011, reductions were made in the areas of planning, maintenance, signs and traffic signals. In 2014, fixed term positions were added in support of Capital Bond initiatives. These positions were transitioned to standard with the passage of the new transportation tax in support of ongoing

Transportation Master Plan implementation, including multi-modal system maintenance and enhancement and improved pavement management. A traffic signal apprentice position is being requested for 2016.

Since 2002, the Downtown and University Management Division / Parking Services (DUHMD/PS) has had moderate personnel growth to respond to an expansion of the division's duties and responsibilities. Five FTEs have been added since 2002. These positions have addressed additional operational needs with a 30 percent expansion of the parking system. They also include the addition of a Hill Revitalization Coordinator in response to high priority council initiatives and a Deputy Director position. With the recent reorganization, the department, now Community Vitality, will also include two existing FTEs in support of economic vitality.

The growth of 5 net FTE in Communications personnel since 2002 occurred primarily in the last few years and is due to ongoing centralization of communications in the city and significant increases in service demand for public outreach. The personnel increases that occurred in 2015 resulted from the transfer of the existing Police public safety information officer position to Communications and the addition two new FTEs to meet demands related to the city's redesigned website, to implement the council correspondence and Constituent Relations Management (CRM) tool, and to support cross-departmental projects. In 2016, the department is requesting additional personnel to support the increased demand for video coverage of council, boards and commission meetings, increased outreach for Housing and Human services, and to develop a communitywide newsletter.

Fixed-term staff have been added in support of the city's Energy Strategy and Electric Utility Development project. As the city continues the path toward potential municipalization of the electric utility, the 2016 level of 12.25 fixed term FTEs will support the implementation of the transition work plan. Positions are for project management, engineering, resources, rates, key accounts and systems.

The City Attorney's Office (CAO) has increased by 5 FTEs since 2002 due to significant increases in service demand and to improve response to community priorities. The CAO uses both in-house and consultant resources to support the city's work program.

Since 2002, Finance has increased by 10 FTEs in the General Fund. Five of these FTEs were added in 2010 as a result of the centralization of liquor licensing and the addition of dog and medical marijuana licensing and were transferred from other departments. Upon recommendation from the Blue Ribbon Commission, an additional tax auditor was incorporated and FTEs were added for budget and treasury management. Budget staff added also now provide direct ongoing financial support to operating departments and have allowed for the elimination of some administrative positions in departments, such as Housing and Library. Additional staff have also been added to address Recreational Marijuana and currently the department has 2 fixed term FTEs for flood recovery and reimbursement tracking.

Since 2002, Human Resources (HR) has increased by a net of 7 FTEs. The majority of the FTE increases occurred in 2014 and 2015 with additions for organizational development and HR generalist staff to support increased organizational and recruitment needs. A 0.75 FTE is being proposed in 2016 to manage the well-being program. Funding for this position is covered by a reimbursement contract with the city's health care insurer. Additionally, FTE for front desk coverage at the Center Green offices that house HR, Fire and IT, is proposed in 2016.

Information Technology (IT) has increased by a net of 2 FTE since 2002. Both of these FTE have been transfers of positions from other departments, in order to consolidate IT services and allow for increased citywide functionality of these positions. IT has not added new ongoing positions since 2003 and has managed increasing technology demands through fixed-term and contract work, as well as reorganization and increased focus on customer service. In 2016, 2 positions are being requested, an application developer for GIS and a security officer.

Follow Up Information on Energy Impact of Capital Improvement Program (CIP) Projects

The Planning Board requested a list of projects in the 2016-2021CIP that either reduce energy consumption or produce energy. The following is information available at this time:

1. CIP Projects that reduce Energy Consumption:

Information Technology

- Server Hardware Replacement – During 2016, the IT department will be completing a hardware refresh of the city's server and storage environment, which began in the last half of 2015. This project relies heavily on technology often referred to as server virtualization. In the past, every data server instance required a dedicated or physical server for it to operate on. Server virtualization allows you to consolidate those individual physical servers into one larger physical server capable of hosting dozens of "Guest server" instances.

  Server virtualization provides a way to substantially reduce the energy load that data centers impose on the environment – which is a considerable load as data centers are intensive consumers of power. By consolidating servers into a virtual environment, the city can eliminate tons of carbon dioxide emissions annually. Virtualization accomplishes this feat by significantly reducing the amount of power consumed by hardware infrastructure, the primary driver of the energy consumption of data centers, while fully utilizing the existing hardware's resources. Industry studies have shown that from a near-term perspective, virtualization reduces data center energy expenditures by 10% - 40%, reinforcing that "going green" is too beneficial to ignore.

  Our original virtual server farm was implemented in 2010, consolidating 160 physical servers onto just 10 host servers. Today those same 10 servers currently support over 250 server guests. Our 2015/2016 project will replace the 10 physical servers with 10 new servers and ensure that the city has sufficient capacity to host growth anticipated in the coming 5 years.

Facilities and Asset Management (FAM)

In FAM's 2016-2021 CIP, the projects that would reduce energy are:

- East Boulder Community Center Replace Pool Air Handlers – This project will replace an aging, inefficient air handler with a more energy efficient model.
- Outdoor Lighting Compliance Improvements – This project will ensure outdoor lights comply the city ordinance. In addition, with recent advancements with outdoor LED lights, there is great opportunity to install much more energy efficient lighting systems.
- Upgrade EV Chargers and Battery Storage Systems – This project will provide for more workplace charging capability to encourage switching from fossil fuels to electricity. The battery storage systems would allow the storage for some solar production to offset the electricity use of the electric vehicles.
- Miscellaneous Facility Maintenance Projects – This project aggregates many smaller facility projects throughout the year that have individual costs of less than $50,000 each, and involve system replacements, such as roof and HVAC system replacements, with newer, more efficient systems.

Utilities

- Fourmile Canyon Creek project – The proposed underpasses and multi-use path connection from Violet to 19th Street would help reduce energy use and greenhouse gas emissions by promoting non-motorized transportation.

Transportation

CIP projects that are being designed and constructed expressly to provide facilities that encourage and promote walking and biking, and reducing automobile use, includes the following:

- 19th Street – Bicycle Lanes and Improved Sidewalks
- 28th Street Valmont to Iris – Installation of a Multi Use Path and Bike/Bus Auxiliary Lanes
- 30h St/Colorado Bike-Pedestrian Underpass – Multi Use Path and Bicycle Lanes
- Arapahoe Complete Street/Boulder Creek Underpass – Multi Use Path, Bicycle Lanes, and Enhanced Pedestrian Curb Ramps
- Bikeways Facilities Enhancements – Multi Use Path
- Boulder Slough Multi-Use Path

Parks and Recreation

- Lighting Ordinance Implementation – This project will ensure outdoor lights comply the city ordinance. In addition, with recent advancements with outdoor LED lights, there is great opportunity to install much more energy efficient lighting systems.

Citywide

In addition, in June 2009, the City of Boulder partnered with the Colorado Energy Office on an Energy Performance Contract (EPC), which has enabled the city to make significant energy efficiency upgrades to 66 city facilities. The EPC was a three phase project, which included the following:

Phase I

Work was completed in 2010 and included:

- Solar photovoltaic installations at the Main Boulder Public Library and at all three recreation centers;
- Re-lamping of the Mapleton Ballfields; and
- HVAC controls and lighting improvements at the Park Central Building, Meadows Library, North Boulder Recreation Center and the West Senior Center.

Phase II

Work was completed in 2011 and included:

- Solar thermal installations at the East Boulder Community Center and the South Boulder Recreation Center;
- Lighting upgrades and water conservation measures at certain city facilities;
- Solar photovoltaic systems at the Betasso and 63rd Street water treatment plants, Municipal Services Center, Open Space and Mountain Parks Cherryvale offices and the Facilities and Asset Management facility; and
- Various HVAC upgrades and controls.

Phase III

Work began in 2012 and was completed in 2013.

- $3.1 million in retrofits in city buildings, including:
    - Solar photovoltaic installations at the Municipal Services Center, the FAM-Fleet offices, and the Open Space and Mountain Parks Annex;
    - Building automation systems and SmartBuilding controls in 28 city buildings;
    - HVAC upgrades at the water treatment plants;
    - Lighting upgrades and additional bike path lighting;
    - Other miscellaneous work, such as converting electric heat systems to natural gas.

- Approximately 336 kilowatts of solar photovoltaic installations, totaling $1.8 million (over 1,000 kilowatts of solar photovoltaic installations total in all three phases).
- SmartBuildings and employee education efforts.
- Approximately 2,000 metric tons of additional carbon dioxide emission reductions. The additional 6 percent of carbon dioxide emissions reductions, combined with 17 percent reductions from Phases I and II, have helped the city accomplish its goal of a 20 percent overall reduction in carbon dioxide emissions.

The information below shows how much energy use has been reduced through 2014, throughout the city facilities, following implementation of phases I, II and III of this project:

Building and Facilities
2008 – 16,128 mtons CO2
2011 – 12,978 mtons
2012 - 10,679 mtons
2014 – 10,170 mtons
% Total Reduction from 2008 to end of 2014: 37%

Electricity Use
2008 – 29,530 mtons
2011 – 22,530 mtons
2012 – 20,540 mtons
2014 – 17,077 mtons
% Total Reduction from 2008 to end of 2014: 42%

2. CIP Projects that will/could produce energy consumption

Utilities

- Carter Lake Hydro – As a part of the Carter Lake Pipeline project, the city will analyze potential for hydroelectric facility on the city's portion of the Carter Lake Pipeline and then design and build if preferred. Pressure available for hydroelectric generation on Carter Lake Pipeline is limited and may not ultimately be feasible. If a station were built it would likely have low generating capacity and would generate well under 100 MWh annually.
- Barker Dam Hydro – This project includes analysis and development of hydroelectric potential, as recommended in the Source Water Master Plan, MWH, 2008/2009. Previous studies have indicated potential of up to 1,500 MWh per year if hydroelectric facilities were to be developed at Barker Dam.
- Pearl Street Hydro – This project includes installation of a hydroelectric turbine and generator at the city's Pearl Street pressure reducing facility. Currently water pressure is reduced using a pressure reducing valve which wastes the available energy in the water. This energy will be captured to produce electricity with the addition of the turbine and generator. Hydro generation at 101 Pearl could result in up to 380 MWh per year.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE: Request for Council approval of a proposed lease of 26 acres of city land, including three city buildings to the Colorado Chautauqua Association.

PRESENTER
Tom Carr, City Attorney

EXECUTIVE SUMMARY

For 117 years, the City of Boulder has partnered with the Colorado Chautauqua Association (CCA) and its predecessor the Texas Colorado Chautauqua Association to create and maintain the Colorado Chautauqua. Since 1898, there have been nine lease renewals, modifications or renegotiations. The current lease, which was adopted on January 14, 1998 and modified on August 12, 2002, expires on January 13, 2018. It can adversely affect a tenant's (cottage owner's or other CCA tenant's) ability to obtain financing or the CCA's ability to enter into multi-year contracts (e.g., with Colorado Music Festival or the Dining Hall operator) if a lease of this nature is allowed to come too close to its expiration date. Accordingly, both the city and CCA have a desire to enter into a new lease this year, effective January 1, 2016.

At a February 10, 2015 study session, the City Council considered and discussed options of a new lease with CCA. On February 17, 2015, Council created a Chautauqua Lease Committee, consisting of two council members, two CCA representatives and one cottage owner. The committee met ten times to consider the lease. In addition, the proposed lease was considered by the Parks and Recreation Advisory Board and the Landmarks Board and at a joint meeting of those two boards together with the Open Space Board of Trustees and the Transportation Advisory Board. All of the committee's meetings were open to the public and attended by community members who offered comments at each session. Notes of each meeting were taken and published online, as were iterations of the lease as it was being revised.

In addition to the two meetings in February, staff provided updates to Council on August 6 and September 24.

STAFF RECOMMENDATION

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

Motion to authorize the city manager to enter into a lease of approximately 26 acres of city-owned land, including three city-owned buildings to the Colorado Chautauqua Association in substantially the form set forth in Attachment A.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Chautauqua is one of the city's most important destinations and is a major attraction for visitors to the city. Chautauqua contributes accommodations tax for cottage rentals, admission tax on events in the auditorium and tax on meals served in the dining. The lease supports the important role played by the Colorado Chautauqua Association in the city's economy.
- Environmental: Beginning in 2008 the Colorado Chautauqua Association has made sweeping changes to the way it operates and continues to explore strategies to conserve water and energy, divert waste from landfills and utilize earth-friendly products, while preserving the guest experience and the Colorado Chautauqua's historic character.
- Social: Chautauqua plays an important role in the city's social fabric. It is many things to many people: a historic landmark, a public place, a gateway to open space, a park neighbor, a place to learn, grow, relax, exercise or just enjoy. The proposed lease attempts to balance and recognize the needs of the various users and stakeholders.

OTHER IMPACTS

Fiscal – Following on the Guiding Principles for Collaborative Place Management and Fiscal Sustainability the lease supports the concept of shared financial responsibility. This includes the city's agreement to absorb the majority of the costs associated with major renovations, which are estimated to cost approximately $10 million.

Staff Time – The lease memorializes the current practice of staff coordination with CCA. All staff time will be covered in existing budgets.

BOARD AND COMMISSION FEEDBACK

The Landmarks Board considered the proposed lease on September 2, 2015. The Landmarks Board provided comments which are set forth in Attachment C.

On September 10, 2015, the lease committee met with the Landmarks Board, the Parks and Recreation Advisory Board, the Transportation Advisory Board and the Open Space Board of Trustees. Notes from that meeting are in Attachment D.

On September 28, 2015, the Parks and Recreation Advisory Board considered the proposed lease. PRAB voted to approve the lease 7 to 0. PRAB members did express their concern about the proposed lease term. They were concerned about the appearance that the lease was in effect a 30 year lease in violation of the charter and would prefer a 20 year lease with no automatic renewal provision.

BACKGROUND & ANALYSIS

The following highlights the major changes in the lease. Overall the goal was to update the lease to reflect the current relationship between the city and CCA, recognizing the shared values and important role that Chautauqua plays in our community. In 2012, the City Council developed a stewardship framework for Chautauqua, including the adoption of Guiding Principles for Place Management and Fiscal Sustainability on December 4, 2012. These Guiding Principles balance the need to preserve, protect and maintain Chautauqua's historic character with the needs of diverse stakeholders and user groups. The Guiding Principles are expressly incorporated as part of the lease and specifically referenced three times. In large part, the revisions to the lease were guided by Council's earlier stewardship conversation.

Significant Changes to the Lease

The following is a discussion of the significant changes to the lease. They are presented here in the order in which they appear in the lease to make it easier to follow. The order, therefore, is not reflective of the significance of the change.

A. Term (Paragraph 1)

Under Section 111 of the Boulder Home Rule Charter, most city leases cannot be more than 20 years. A lease can be up to thirty years "upon approval by a two-thirds vote of all council members if the tenant makes significant improvements to the property that the council finds provide a public benefit." CCA would prefer a thirty year lease. The committee did not feel comfortable recommending such a term. Accordingly, the recommended provision is for a term of twenty years, with a provision for a new 20-year term beginning January 1, 2026 – ten years into the lease – if neither council nor the CCA board objects. Depending on council's reaction to this proposal, CCA might still advocate for a 30-year term.

B. Rent (Paragraph 2)

The current lease requires CCA to pay $2,000 in lieu of ad valorem taxes and rent of $2,500. The committee recommended that this provision be eliminated and replaced with a provision calling for rent of one dollar. The committee reasoned that considering

the value of the property, the current rent is little more than symbolic. Moreover, the real value to the city lies not in the rent paid, but the maintenance, upkeep and capital investment that CCA makes at Chautauqua. This change would also bring the Chautauqua lease in line with the city leases for the Boulder Museum of Contemporary Art, the Dairy Center for the Arts and the Boulder History Museum. BMOCA and the Dairy Center each pay one dollar per year. The Boulder History Museum is treated as a contractor and does not pay rent.

C. Responsibilities (Paragraph 3)

The "Responsibilities" paragraph provides important guidance about the use and maintenance of the leasehold area. Several provisions in the current lease go far beyond what would be considered acceptable today. There is also some ambiguity in the language regarding maintenance responsibilities. The committee attempted to clarify the roles and incorporate the Guiding Principles into the language allowing CCA to make changes at Chautauqua. The current lease reads as follow:

> The Association shall have the privilege of remodeling the buildings and improvements and making such substitutions, additions, modifications and improvements thereto as the Association may deem proper.

The breadth of this language is not unusual for a ground lease, but it does not reflect our current community values. Accordingly, the committee added the following qualification:

> Any such substitutions, additions, modifications and improvements shall be governed by the Collaborative Place Management provisions of Guiding Principles for Place Management and Fiscal Sustainability as set forth in Exhibit B and be subject to all other city requirements.

The committee's intent is that any change will require compliance with the Guiding Principles and any other city requirement, for example obtaining a landmarks alternation certificate when required under the code.

The current lease requires the city to maintain the "public streets." This term is not defined. It may have been an attempt to exclude alleys. The new language is intended to clarify the city's responsibilities and to conform to current practice.

Both CCA and the city anticipate the need to perform major renovation of the streets and underground utilities at Chautauqua. The need to perform this work will not limit normal maintenance of these facilities.

D. By-Laws and Articles of Incorporation (Paragraph 4)

Currently, the city is entitled to appoint two of fifteen board members. In the lease, this is written as two-fifteenths of the board. The committee revised this language

to specify two members and to prohibit expansion of the board beyond its current size. In the event that CCA decides to reduce the size of its board, the city's representation will never be less than two members. In addition, this paragraph was amended to require that one city appointee shall be a city council member. Several members of the city council expressed concern that the city's representation was not adequate. At the August 6 meeting, Council members suggested that the city have between three and five representatives on the CCA board. At the August 19 committee meeting, the CCA representatives explained that the city's representation could be changed only through a change to the CCA bylaws. Changing the bylaws would require approval of the CCA membership at either a special election or at the regular election of CCA board members each July. A quorum of 10% of members is required for a valid election. (The current membership is approximately 1,200) and at least 75% affirmative vote of those voting to approve a bylaws amendment. Thus, even if the city insisted on this change, it might not be possible for CCA to change its bylaws. The committee decided not to change its recommendation with respect to the number of representatives on the CCA board.

E. Use of Facilities (Paragraph 5)

The current lease requires that CCA give the facilities "the widest practicable use in terms of scope and time." The committee removed this language and replaced it with the following that is intended to reflect a more contemporary view of CCA's role:

> [I]t is the intent of the parties that the leased facilities be managed such that needs and interests of many are balanced in a manner that protects the site and spirit of Chautauqua. The leasehold area should be used, managed and preserved in a manner consistent with the community's sustainability goals and with sensitivity to impacts on surrounding residential neighborhoods, the adjacent park and the surrounding open space, while allowing the Association to remain financially viable without city subsidy.

This language includes several important concepts:

- CCA is no longer expected to maximize use.
- It incorporates preservation into CCA's responsibilities.
- It incorporates the city's sustainability goals.
- It requires sensitivity to the impacts on the surrounding residential neighborhoods, the adjacent park and surrounding open space.
- It recognizes that CCA needs to generate sufficient revenue to meet its responsibilities without city subsidy.

F. Traffic Control and Parking (Paragraph 6)

The committee changed the title of this paragraph to Access and Parking. The committee believes that the lease is not the appropriate means to address traffic control

and parking at Chautauqua. The lease addresses only a portion of the greater Chautauqua area and only involves one stakeholder. The committee recognized that "Chautauqua needs a tailored access management to balance the access of the variety of users and modes while also maintaining natural, built and historic environments." Accordingly, the lease provides for a Chautauqua Access Management Plan (CAMP) to be developed by next year and then periodically updated, to address the needs and responsibilities of all users.

Staff recommends that the approach to developing CAMP be based on the principles detailed in the lease which implies a holistic, comprehensive and area-wide approach. Staff anticipates that given the different uses and unique character of the area a variety of tools and innovative approaches will be needed to meet the needs and challenges of the area. Staff will use existing access management strategies such as Neighborhood Parking Permit zones, paid and managed parking, integration with multi-modal strategies as the starting point for designing the tailored solutions needed to address the access needs within the Chautauqua lease area, the adjacent park and open space areas and the surrounding neighborhoods.

Staff will recommend implementation of Pilot Programs to test potential innovative solutions when appropriate. Substantial data were collected in 2011 and 2012 regarding the parking and use of the area as part of a prior access management effort. Because the OSMP visitation data used for this prior work dates back to 2005 and appears to capture visitation more broadly than at Chautauqua alone, OSMP is updating local visitation data through a special target study in the late summer of this year.

The development of the CAMP will have budget and resource impacts on all parties and will need to be integrated into the work plans of the city and the Chautauqua Association. Staff will work in collaboration with CCA and involve the other stakeholders and the surrounding neighborhoods.

Staff will develop a public process which involves soliciting input from stakeholders in the area, as well as reporting to and solicitation of feedback from key Boards and Commissions, before bringing a final recommendation to the City Council. The Council will receive periodic updates from staff as the project progresses.

At the August 6 council meeting several members expressed concern that the principles guiding the CAMP process did not adequately balance the needs of all users. At its August 19 meeting the committee added three additional principles intended to address this concern and clarify that the CAMP process is to be inclusive of the interests of all stakeholders.

G. Covenant Not to Incur Liens (Paragraph 9)

The current lease limits liens to $1 million. The committee changed this to CCA's "reasonable ability to pay based on Association revenue." The title of this paragraph was changed to "Liens."

H. Permitting (Paragraph 11)

This paragraph required that CCA and the city agree on a process for permitting activities in the park and required an annual meeting. In fact, staff meets with CCA regularly and much more frequently than annually. In addition, the paragraph did not address open space. Accordingly, the paragraph has been renamed "Coordination" and eliminates the annual review provision.

I. Limitation on Subleases (Old Paragraph 14- New Paragraph 15)

This paragraph has been removed and replaced with a new paragraph 15, entitled "Subleases." The current lease devotes several pages to the limitations on the ability of private cottage owners to sell their cottages. CCA and the cottage owners are in the process of renegotiating these provisions as well as others. The committee decided that it would be a better practice to simply incorporate the sublease into the lease by reference.

The committee recommended that the lease include a new paragraph that would have required that CCA assess the cottage owners for a portion of CCA's contribution to the major utility renovations discussed in paragraph 3. At its August 19 meeting, the committee decided to delete this paragraph and substitute an increase in the rents charged to cottage owners that would be dedicated to paying the expense of the major utility renovations.

J. Privately Owned Cottages (New Paragraph 14)

A new paragraph 14 recognizes the importance of the private cottages. It requires CCA to lease land to the cottage owners. It also limits CCA's ability to acquire additional cottages only if the acquisition meets strategic guidelines set established by the board of directors. The committee recommended a provision through which CCA would agree to maintain its current practice of increasing rents only to cover increased costs through inflation. The issue of cottage owner rents was the subject of an extensive discussion at the August 6 council meeting. Council members expressed concern that the cottage owners were being undercharged significantly for the use of very valuable land and that the lost revenue could contribute favorably to CCA's ability to operate without city subsidies.

The committee had an extensive discussion of this issue at their August 19 meeting. The cottage owners pointed out that the city council was mistaken in assuming that they paid only approximately $100 per month. Adding in taxes and common area maintenance fees, the average cottage owner pays approximately $500 per month. In addition, the cottage owners pointed out that they make a valuable contribution to Chautauqua by acting as hosts, guides and as part of the living history of Chautauqua. The committee agreed that CCA should increase cottage rents in the amount of $200 per month and that this increased revenue should be used to assist with the expense associated with the major utility renovations. The increase will be adjusted annually for

inflation. This is expected to produce $2 million over the 20 year term of the lease. The proposed lease says that CCA will "reserve" these funds for major renovations. After the committee completed its work, CCA's auditor questioned the use of the word "reserve," which would require CCA to retain these funds until expended. The auditor recommended that this provision be changed to use the word "expend," which would allow CCA more flexibility in managing cash flow until the funds are needed. Although the lease itself refers only to a "substantial" increase in rent, the actual amount will be in the sublease that will be attached to the lease.

K. Miscellaneous (Paragraph 17)

In the current lease, the lease can be terminated immediately based on any breach. The committee recommended removing the word immediately and allowing an opportunity to fix the problem.

L. Amendment (Paragraph 18)

There was no provision in the existing contract for amendment of the lease. This paragraph provides a process for amendment.

ATTACHMENTS

Attachment A – Proposed Lease
Attachment B – Proposed Lease (Redlined to Show Changes from the 2002 lease)
Attachment C – Landmarks Board Comments
Attachment D – Notes from September 10, 2015 joint board meeting

LEASE

THIS LEASE, made and entered into this ____ day of _____, 2015, by and between the City of Boulder, Colorado, a Colorado home rule city ("City"), and the Colorado Chautauqua Association, a Colorado non-profit corporation ("Association").

WITNESSETH:

WHEREAS, the City and the Association have maintained for one hundred and seventeen years a mutually beneficial relationship in the establishment and maintenance of a Chautauqua assembly for the benefit of the Boulder community and its visitors; and

WHEREAS, the entire Chautauqua (a portion of which is described in Exhibit A attached hereto) was entered into the City, state and national registers of historic places as a historic district in 1978; and was designated a National Historic Landmark district by the U.S. Secretary of the Interior in 2006; and

WHEREAS, the preservation of the Chautauqua heritage for the benefit of future generations and the operation of the Chautauqua for the benefit of all are the primary objectives of both parties;

WHEREAS, the existing Lease agreement between the parties will expire on January 14, 2018; and

WHEREAS, the parties have determined that it is in the interests of both to renew the existing Lease on the terms and conditions set forth below; and

WHEREAS, on December 4, 2012, the Boulder City Council adopted Guiding Principles for Place Management and Fiscal Sustainability, which are attached as Exhibit B and which are incorporated as if set fully forth in this lease agreement.

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NOW, THEREFORE, the parties hereby agree as follows:

1. TERM. The City hereby leases to the Association the real property described in Exhibit A attached hereto for a period of twenty years, beginning January 1, 2016, and ending December 31, 2035. The parties agree that if, during the six-month period prior to January 1, 2026, neither party objects, a new Lease, with terms identical to the prior lease, will commence for a period of twenty years beginning on January 1, 2026, and ending on December 31, 2045. Any such objection may be made by an affirmative vote of the majority of the City Council or by an affirmative vote of a majority of the Association's Board of Directors. In the event that a party objects, the term of the Lease shall end on December 31, 2035. The City reserves the right to replace the description contained in Exhibit A by a more detailed survey of the land in question, at any time.

2. RENT. As rent, and as partial consideration for this Lease, the Association agrees to pay to the City on or before January 1 of every calendar year during the Term hereof the sum of one dollar.

3. RESPONSIBILITIES. Chautauqua encompasses multiple ownerships and missions; the needs and interests of many must be balanced in a manner that protects the site and spirit of Chautauqua, in keeping with Guiding Principles for Place Management and Fiscal Sustainability. Management decisions about surrounding uses should be made with sensitivity to potential impacts on the Association's leasehold area. The Association accepts responsibility for the maintenance and improvement of all buildings and improvements located on the real property described in Exhibit A, except for private cottages and the public restrooms immediately below the Dining Hall. With respect to the Dining Hall public restrooms, the City shall assume all costs of regular and reasonable cleaning and maintenance, supplies and water, annual painting, and major maintenance, including, without limitation, replacement of obsolete or unserviceable fixtures. The Association shall maintain, preserve and keep all buildings and improvements for

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which it is responsible in good repair, working order and condition and shall make or cause to be made all necessary repairs and improvements to that end. The Association shall have the privilege of remodeling the buildings and improvements and making such substitutions, additions, modifications and improvements thereto as the Association may deem proper. Any such substitutions, additions, modifications and improvements shall be governed by the Collaborative Place Management provisions of Guiding Principles for Place Management and Fiscal Sustainability as set forth in Exhibit B and be subject to all other city requirements. The Association agrees to implement all feasible procedural safeguards in the operation of the Auditorium, the Dining Hall and the Academic Hall so as to minimize the likelihood of serious fire. Subject to the availability of appropriations therefor, the City shall:

A. Provide all ongoing City services, such as police, fire, animal control, and the similar services, to the area described in Exhibit A; and

B. The City shall provide for the maintenance of the streets, but not the alleyways. The parties recognize that the streets in the leasehold area are part of the historic nature of Chautauqua. The city shall not be responsible for maintaining such streets to the level of normal city standards for city streets. The city shall make such minor and incidental repairs as may be necessary to keep the streets serviceable. The city shall provide snowplowing for such streets as resources are available consistent with other city priorities.

C. The parties agree that in the foreseeable future, major renovation of the streets, and drainage system will be necessary, and that on-going maintenance of the water mains and sanitary sewers mains will continue and be prioritized with other city utility maintenance work. The city accepts the primary responsibility for funding the major renovations in accord with the city's capital improvement program. The Association accepts responsibility to contribute financially to these improvements. The parties

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intend that the renovation of infrastructure will be coordinated with moving the overhead utilities underground.

4. BY-LAWS AND ARTICLES OF INCORPORATION. Throughout the Term of this Lease, two of the Association's Directors shall be appointed by vote of the City Council, one of whom shall be a member of City Council. Without the written permission of the City, the Association shall have no more than 15 members on its Board of Directors, inclusive of those appointed by the City

5. USE OF FACILITIES. The Association shall have year-round use of all of the real property described in Exhibit A, and it is the intent of the parties that the leased facilities be managed such that needs and interests of many are balanced in a manner that protects the site and spirit of Chautauqua. The leasehold area should be used, managed and preserved in a manner consistent with the community's sustainability goals and with sensitivity to impacts on surrounding residential neighborhoods, the adjacent park and the surrounding open space, while allowing the Association to remain financially viable without city subsidy. At a minimum, the Association shall schedule a summer entertainment program in the Auditorium annually beginning no later than June 15 and extending to at least August 31. Such programming shall include at least 15 live performances.

6. ACCESS AND PARKING MANAGEMENT. As a national, regional and local landmark and attraction, Chautauqua needs a tailored access management strategy to balance the access of the variety of users and modes while also maintaining the natural, built, and historic environments. The Association and the City agree that the absence of a dependable and coherent parking program in the areas described in Exhibit A has adversely affected the Association's operations, the maintenance of a Chautauqua assembly and its attendant mission, and the experiences of those who reside or stay in such areas in order to enjoy and experience Chautauqua. The parties recognize that during peak periods, parking demand for all uses within

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and around Chautauqua far exceeds supply. The movement of vehicles looking for parking presents safety issues and degrades the visitor experience. During the first year of this Lease, the parties commit to develop a Chautauqua Access Management Plan, which shall be thereafter periodically reviewed and revised by the parties to address current circumstances and conditions. That plan shall be governed by the following principles:

- Chautauqua is a unique shared resource requiring unique solutions.
- Chautauqua is a National Historic Landmark.
- The needs of all stakeholders, including the Association, cottage owners, park users, open space users and neighbors should be considered.
- A mix of uses must be accommodated.
- Pedestrians must be given priority on the narrow streets without sidewalks.
- Traffic circulation should be minimized in the interests of pedestrian safety and user experience.
- Parking demand is seasonal and solutions need not address time periods during which access is readily available.
- During peak periods, the parking needs of users in the historic core should be prioritized, but not exclusive.
- A seasonal transportation demand management (TDM) plan for employees should be implemented.
- The right of public access should not be unreasonably restricted.
- The interests of the surrounding neighbors should be addressed.
- Any plan should be flexible to address changing circumstances.
- Access management should be consistent with the Guiding Principles for Place Management and Fiscal Sustainability.
- Consistent with the City's climate commitment and sustainability and resiliency goals, any plan should support public transit, alternative modes of transportation, a reduction in vehicle miles traveled and a reduction in visits in single occupant vehicles. .

7. NON-DISCRIMINATION. The Association shall abide by all relevant City, state and federal legislation concerning non-discrimination in the offering of housing and public accommodations and in admissions to public events.

8. INSURANCE. The Association shall cause public liability insurance to be carried and maintained, at all times during the term hereof, with respect to all activities to be undertaken by the Association on or in connection with the real property described in Exhibit A. Such public

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liability insurance shall be in amounts not less than the then applicable coverage amounts for any injury to one person in any single occurrence and coverage amounts for any injury to two or more persons in any single occurrence set forth in Section 24-10-114, C.R.S. 1973, as amended, but not less than $150,000.00 for any injury to one person in any single occurrence. Insurance purchased by the Association pursuant to this section shall name the City as an additional named insured, and a certificate evidencing the insurance coverage required by this section shall be provided at least annually to the City. Each insurance policy provided pursuant to this section shall contain a provision to the effect that the insurance company shall not cancel the policy or modify it materially and adversely to the interests of the City, without first giving actual written notice thereof to the City at least ten days in advance of such cancellation or modification.

9. LIENS. The Association shall not incur liens greater than its reasonable ability to repay based on Association revenue. The Association shall obtain proper bonds to insure against any such liens and shall include provision in any relevant document stating that the City shall not be responsible for any indebtedness or liens incurred.

10. ASSOCIATION TO ASSUME DUTIES OF CITY: INDEMNIFICATION. The Association shall assume any and all duties which might otherwise be imputed to the City by virtue of its continued ownership of the public buildings located on the real property described in Exhibit A, except for the public restrooms located on the lower level/north side of the Dining Hall building. The Association agrees to indemnity and save harmless the City against any and all claims, debts, demands, or obligations which may be asserted against the City arising by reason of, or in connection with, the City's ownership of the aforementioned public buildings and any alleged act or omission of the Association on or in connection with the real property described in Exhibit A.

11. COORDINATION. The Association and the City shall develop a mutually agreeable process for sharing information concerning planned activities and events in the City park and

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open space adjacent to the Association's leasehold described in Exhibit A, and concerning the receipt, review and grant of permits for activities in those City adjacent areas.

12. INSPECTION OF BOOKS. The Association shall maintain its principal office on the Chautauqua grounds and shall keep and maintain the books of the Association at such office. The books and records of the Association shall be subject to inspection and examination by the City at all times.

13. ANNUAL REPORT AND AUDIT. The Association shall provide an annual report to the City on or before June 15th of each year detailing the following performance indicators: number and type of performances; number of attendees in Auditorium, Community House and other programming venues; estimated number of City residents served; estimated number of Boulder youth served; number of tickets and free admissions provided to community organizations and individuals; number of free (no cost) events sponsored by the Association; description of outreach efforts to diverse populations/communities of color in Boulder; number of low cost rentals to non-profit or governmental groups in the community; and number and type of partnerships with other arts and cultural organizations. The foregoing report shall accompany an annual financial audit and a copy of the Association's Internal Revenue Service filing (currently form 990) disclosing detailed financial information about the Association, including compensation of officers and directors. The Association also shall provide to the city copies of minutes of Board of Directors' meetings within thirty days of approval by the Board of Directors.

14. PRIVATELY OWNED COTTAGES. There are currently 39 privately-owned cottages at Chautauqua. Private ownership of some of the cottages provides a contemporary sense of neighborhood and a link to Chautauqua's history. While some cottages have year-round residents, others follow a historic pattern of use by families during the summer months. Recognizing the importance of private ownership, it is the intent of the parties that the number of privately-owned cottages shall not change significantly. The Association shall sublease the land on which the private cottages are situated to the owners of each private cottage. The Association

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has acquired a privately-owned cottage only once during the prior twenty year lease term. The parties recognize, however, that the Association may choose to acquire cottages in furtherance of its mission to preserve, perpetuate and improve the site and spirit of the historic Chautauqua. The Association agrees that it will only exercise the right of acquisition pursuant to strategic guidelines set forth by its board of directors and as necessary to further its mission. The Association further agrees to increase rents substantially and to reserve the revenue from the increased amount for contribution to the major renovations described in paragraph 3(C) above. The Association shall establish rental rates after giving consideration to the following factors, and such other factors as the Association may deem pertinent:

- The Association's need to maintain and operate Chautauqua without city subsidy;
- The need for cottage owners to have sufficient financial resources to preserve the historic cottages; and
- Recognition of the limited financial resources of some cottage owners.

15. SUBLEASES. The Association shall, as soon as practicable after the date of this lease, negotiate sublease with the private cottage owners (each a "Sublease"). Each Sublease shall be substantially in form and content as set forth in Exhibit C attached hereto and shall have the same term as the term of this lease including any renewal of the term as provided in paragraph 1.

Nothing in this Section 15 shall prohibit the Association and the owner from agreeing to provisions in the sublease which are supplemental or additional to the terms set forth above, provided that such supplemental or additional provisions are consistent with, and do not impair or limit, the terms set forth above.

16. TERMINATION OR NONRENEWAL OF LEASE. Upon the termination or nonrenewal of this Lease, all buildings and improvements on the real property described in Exhibit A shall be removed within six months, and if not removed shall automatically become the property of the City of Boulder.

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17. MISCELLANEOUS.

A. The legislation of the State of Colorado and the City of Boulder shall be applied in the interpretation, execution, implementation and enforcement hereof.

B. In the event that any provision hereof shall be held to be unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

C. This Lease shall be terminable by either party upon any breach of the terms hereof. No delay, omission or forbearance in exercising such right or power shall impair any such right or power or shall be construed as a waiver thereof, unless such waiver is expressly given in writing and signed by both parties. Prior to termination, the party asserting breach shall provide notice immediately to the other party. The party that is alleged to have breached the Lease shall have fourteen days to cure. If the breach is not cured within fourteen days after notice, the Lease may be terminated.

D. The captions contained herein are inserted for ease of reference only and shall not be construed to constitute or modify any part hereof.

E. This Lease contains and constitutes the entire agreement between the City and the Association with respect to the subjects addressed herein, and all prior or contemporaneous agreements or leases between the City and the Association, whether written or oral, are merged in and superseded by this Lease.

18. AMENDMENT. No amendment or modification of this Lease, shall be valid or binding unless reduced to writing, approved and executed by the parties in the same manner as the execution of this Lease.

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IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

CITY OF BOULDER, COLORADO

_____
Jane S. Brautigam, City Manager
1777 Broadway
Boulder, CO 80302
Telephone (303) 441-3090
Fax (303) 441-4478

Attest:

_____
City Clerk

THE COLORADO CHAUTUAQUA ASSOCIATION

By: _____
Susan G. Connelly, Executive Director
900 Baseline Road
Boulder, CO 80302
Telephone: (303) 442-3282
Fax: (303) 449-0790

Attest:

_____
Secretary, Board of Directors

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Exhibit A

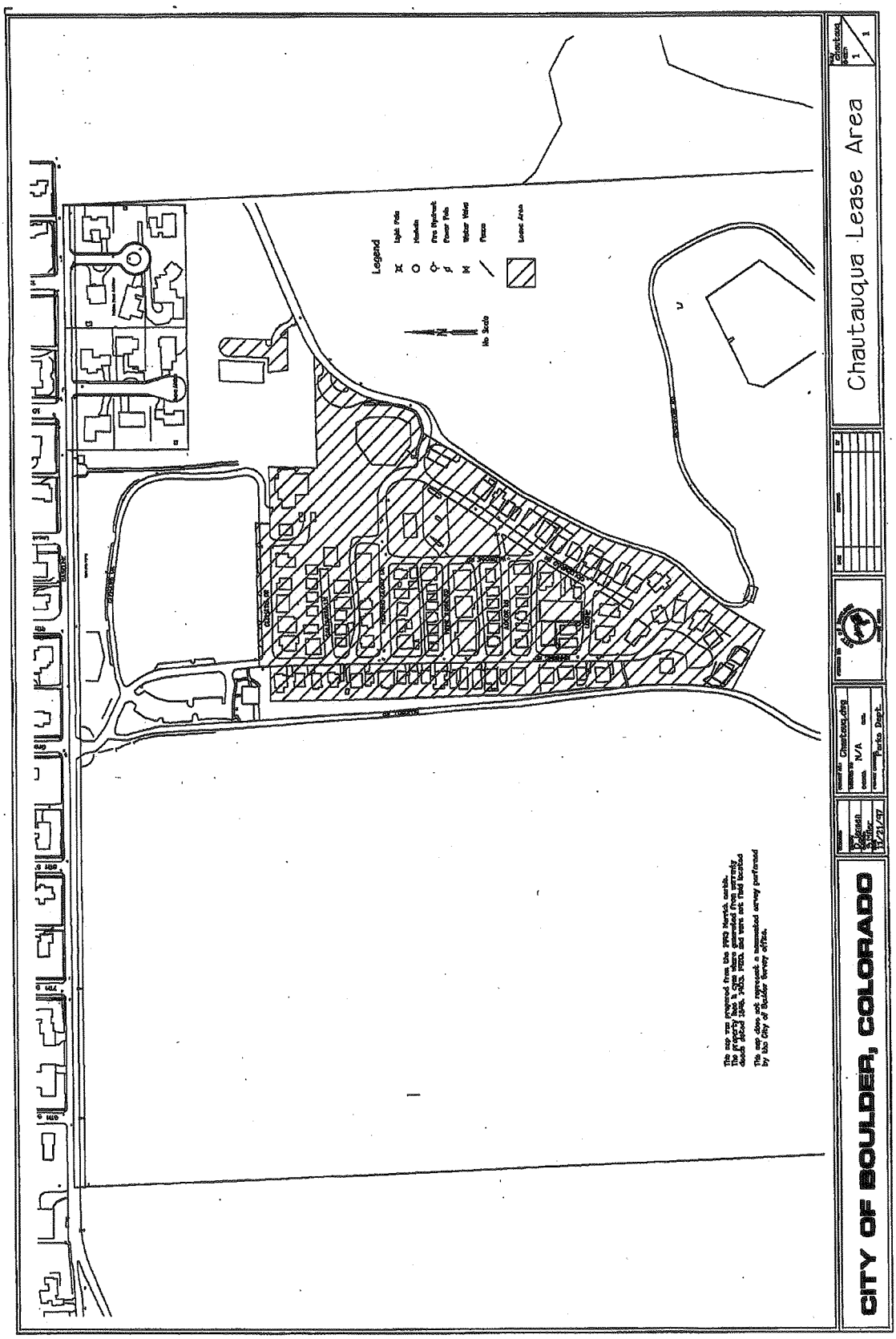

Exhibit A

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Collaborative Stewardship of the Colorado Chautauqua

GUIDING PRINCIPLES FOR PLACE MANAGEMENT AND FISCAL SUSTAINABILITY

Purpose of the Guiding Principles

These guiding principles represent a shared statement about the nature of the Colorado Chautauqua and the manner in which its primary stewards (the City of Boulder and the Colorado Chautauqua Association) intend to collaborate in the planning and management of its future.

1 A Public Place

Chautauqua is a shared community resource and a public place. It is essential that it remain a place that is accessible, safe and welcoming to the general public.

2 A Historic Landmark

The Colorado Chautauqua is a recognized national and local historic landmark. Preservation of its historic character is of the utmost importance when making decisions about its future.

3 A Historic Mission

Chautauqua supports cultural, educational, social and recreational experiences that are integral to its historic character and function. Preservation and perpetuation of its historic mission and supporting operations are paramount to sustaining the spirit of Chautauqua.

4 A Balanced Approach

Chautauqua encompasses multiple ownerships and missions; the needs and interests of many must be balanced in a manner that protects the site and spirit of Chautauqua, in keeping with principles 1, 2 and 3. Management decisions about surrounding uses should be made with sensitivity to potential impacts on Chautauqua. At the same time, Chautauqua should be managed and preserved in a manner consistent with the community's sustainability goals and with sensitivity to impacts on surrounding residential neighborhoods.

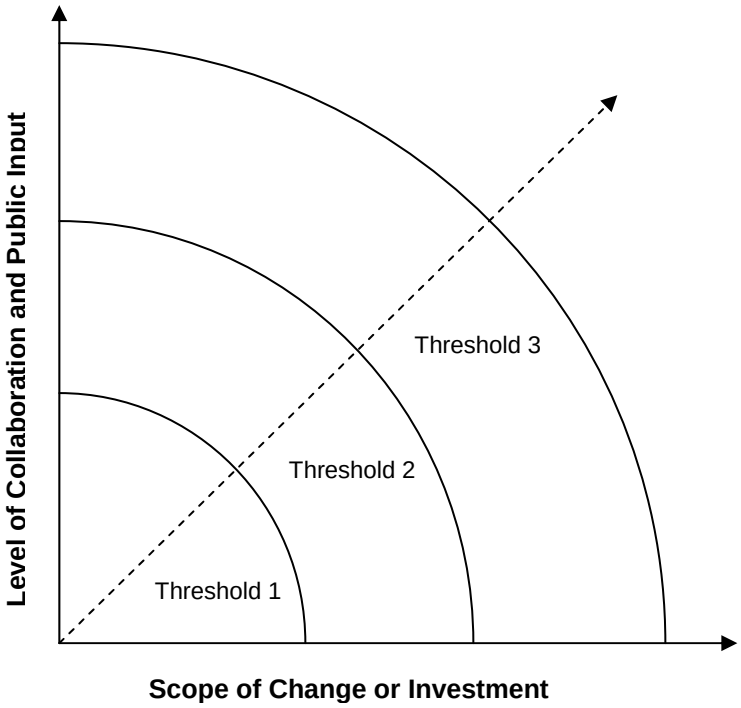
5 Collaborative Place Management

To achieve the balanced approach described in principle 4, the Chautauqua area (including the CCA leasehold and adjacent parks and open space) must be collaboratively managed. In particular, the following components of collaborative place management must be clearly defined and agreed to by the city and the CCA:

5a Roles and Responsibilities. The city and the CCA have the joint responsibility of preserving, perpetuating and improving the spirit and historic character of Chautauqua through collaborative stewardship and place management as well as the responsibility of managing specific public and private assets:

- ***The Colorado Chautauqua Association*** has the role of perpetuating the spirit and mission of the historic Chautauqua through production of cultural, educational, social and recreational experiences to benefit the Boulder community and visitors to the area. The CCA also has the responsibility, under its lease with the city, of managing and programming certain public assets and CCA's owned cottages, lodges and other facilities in a manner consistent with its historic mission and these guiding principles.
- ***The City of Boulder*** has multiple roles, including: 1) **owner** of the underlying land throughout Chautauqua, three key historic buildings and an historic structure in the leasehold, serving in this role as landlord to the CCA; 2) **manager** of the public infrastructure throughout Chautauqua and of the public assets and lands outside the leasehold, including a public park and open space; and 3) **regulator** in terms of city laws. The city has the responsibility of representing the interests and priorities of the community at-large; maintaining safe and efficient access to and within the site; and coordinating policy and action in a manner consistent with these guiding principles.

5b Thresholds for Collaborative Processes. Effective collaboration among the multiple core entities responsible for the Chautauqua area's management is critical. In general, the collaborative processes between CCA, the city and the public should proportionately increase as the scope of the proposed change increases as illustrated in the following graph:



The following is illustrative of "thresholds for collaboration" that will be refined, clarified and agreed to by the city and the CCA to guide future agreements and decision-making processes. It may or may not be the final recommendation to have three thresholds; that will be determined in the next steps.

- **Threshold 1: Minor Modifications.** These encompass site or facility changes that do not involve significant changes to the site or public building exteriors; are led and financed primarily by a single party; and are consistent with these guiding principles. Coordination and collaboration between the CCA and the city is essential, but successful precedents exist that can be clearly defined and followed to ensure transparency, mutual understanding and continued success. *Examples of this type of change include recent enhancements to site way finding and interpretive signage and current work to improve the bus pull-out and site circulation for improved pedestrian safety*.
- **Threshold 2: Significant Modifications Led by a Single Party.** These are changes to the site or facilities that significantly alter a city-owned building's exterior, involve new construction or demolition, significantly alter historic site patterns or designs, and/or represent a significant change in use. This level of change may be proposed by a single party but will require a higher degree of coordination and collaboration early in the process to address the concerns or needs of other parties and ensure consistency with these guiding principles. The resulting process may or may not lead to shared financial responsibility, but should ensure transparency, opportunities for public input and clarity and timeliness of decision making for the concerned party(ies). *Examples of this type of change include the potential addition of ADA-accessible bathrooms for the Chautauqua Auditorium and the concept of a new free-standing building*.
- **Threshold 3: Significant Modifications Requiring Multi-Party Investment.** These are changes similar in scope or impact to those in Threshold 2, but which would clearly benefit from joint investment in their design and implementation. Due to the shared investment, these may require an even higher degree of collaboration early and throughout the process. *An example of this type of change is the potential undergrounding of utilities around and through the National Historic Landmark area.*

5c Guiding Policy Documents. To support a collaborative approach to management of the Chautauqua area, key policy documents should be jointly developed and adopted by the core parties. These include, but are not limited to, the Chautauqua Collaborative Stewardship Framework (which should be revised and finalized consistent with these guiding principles) and the Chautauqua Design Guidelines.

5d Public Information and Input. Because the management of Chautauqua is a shared responsibility across multiple entities, it can be difficult for the public to find complete and accurate information regarding planning and management-related issues for the area. A shared approach to providing public information and opportunities for public input shall be developed and implemented to support these principles' goals for collaborative stewardship in the public interest.

6 A Cautious Approach to Change

While it is recognized that changes within and around Chautauqua will occur over time, decisions over these matters must be thoughtfully and cautiously considered, and

collaboratively managed in accordance with these guiding principles to ensure the preservation of Chautauqua's historic character and unique sense of place.

7 Shared Financial Responsibility

Because the Chautauqua area is a shared resource with community-wide as well as interest-specific benefit, investments in its care and upkeep should be shared in accordance with the benefit provided to each interest or user group as well as the community at-large. This does not remove the possibility of significant changes being funded by a single party; however, when there are clear benefits to multiple entities, joint funding should be considered.

Definitions

Enhancement: to make greater, as in value, beauty, or effectiveness; augment; provide with improved, advanced, or sophisticated features. In the context of historic preservation, "enhancement" is usually used to refer to the repair, rehabilitation, restoration and, in some cases, the re-creation of historically documented features.

Historic character: those aspects of an historic property or historic district that accurately convey a sense of its past. The National Register defines seven aspects of integrity that are important components of historic character: location, design, setting, materials, workmanship, feeling, and association. National Historic Landmarks typically possess all of these aspects of historic character/integrity.

Historic preservation: an endeavor that seeks to preserve, conserve and protect buildings, objects, landscapes or other artifacts of historic, architectural or environmental significance.

Leasehold: the property managed by the Colorado Chautauqua Association under a lease agreement with the City of Boulder as shown in *Figure 1*. The city-owned property leased by the CCA includes all the land and three buildings including the Auditorium, Dining Hall, and Academic Hall.

Manage: to have oversight and responsibility for the on-going affairs and/or the upkeep of a site, property, organization or business.

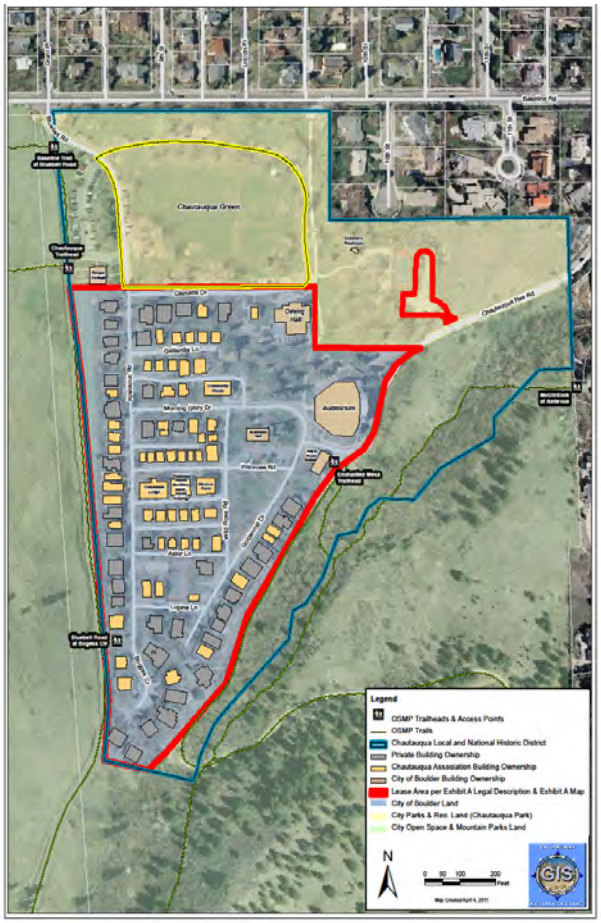


Figure 1: CCA Leasehold (outlined in red)

Exhibit B

National Historic Landmark: a nationally significant historic place designated by the Secretary of the Interior because it possesses exceptional value or quality in illustrating or interpreting the heritage of the United States.

Place management: the process of preserving or enhancing an area in a manner that maintains its integrity as a "place" with a unique character and function. This is practiced through programs to enhance a location or to maintain an already attained desired standard of operation. Place management can be undertaken by private, public or voluntary organizations or a mixture of each. Despite the wide variety of place management initiatives, the underlying common factor is usually to best meet the needs of multiple users and interests (e.g., residents, visitors, and owners) in a manner consistent with the nature of the place.

Protect and preserve: broadly speaking, protecting and preserving is the process of determining and implementing appropriate actions to minimize change to identified historic properties or districts that would adversely affect their historic character.

Stewardship: the ethical overseeing and protection of something considered worth caring for and preserving.

COLORADO CHAUTAUQUA ASSOCIATION SUBLEASE TO COTTAGE OWNER

THIS Sublease is made and entered into as of the ___ day of _____, 2015, by and between Colorado Chautauqua Association, a Colorado nonprofit corporation (hereinafter "Association") and _____ (collectively, "Lessee").

1. PREMISES. The Association hereby subleases to Lessee the real property underlying Cottage No. __ (the "Cottage"), described as _____ which contains approximately _____ square feet (the "Demised Premises").

2. TERM. This Sublease shall commence on January 1, 2016, and, unless sooner terminated as provided herein, shall automatically terminate upon termination of that certain Lease between the Association and the City of Boulder dated ____, 2015 (the "City Lease"). In the event of a new City Lease with terms identical to the prior City lease except for the new lease term, as provided in section 1 of the current City Lease, this Sublease shall continue during the term of such new City Lease.

3. RIGHT TO OCCUPY/DUTY TO MAINTAIN. Lessee shall have the right to occupy the Demised Premises and shall have the duty to maintain the Demised Premised and the Cottage located thereon, as further set forth herein.

4. RULES AND REGULATIONS. Lessee agrees to abide by and comply with the rules and regulations ("Rules and Regulations") adopted by the Association's Board of Directors and effective as of the date of this Sublease, a copy of which has been provided to the Lessee. From and after the date hereof, the Rules and Regulations may be amended by the Association upon an affirmative vote by a majority of the Association's Board of Directors, following reasonable notice to and the opportunity for input by Lessee; provided, no amendment shall deprive Lessee of the rights expressly granted in this Sublease or materially increase Lessee's obligations hereunder. Any such amendments shall be in writing and shall be delivered to Lessee.

5. HISTORIC AREA. Lessee acknowledges that the Cottage and the Demised Premises are located in an area established and maintained as a Chautauqua assembly and that in

1978 Chautauqua was designated by the City of Boulder, Colorado as a Landmark Historic District and listed on the National Register of Historic Places, and was designated a National Historic Landmark district by the U.S. Secretary of the Interior in 2006. Lessee agrees to comply with the Chautauqua Park Design Guidelines, the rules and regulations promulgated by the City of Boulder Landmarks Preservation Advisory Board, and all zoning ordinances or other regulations of the City of Boulder affecting or relating to the ownership, use, maintenance, repair, renovation or improvement of the Cottage and the Demised Premises. The use and operation of the Association's leasehold, of which the Cottage and Demised Premises are a part, also are governed by the Chautauqua Collaborative Stewardship: Guiding Principles for Place Management and Fiscal Sustainability, adopted by the City of Boulder on December 4, 2012. Said design guidelines, rules, ordinances, regulations, and guiding principles are hereby made a part of this Sublease as if fully set forth herein.

6. ASSOCIATION MISSION. Lessee acknowledges that the Association is a Colorado nonprofit corporation and a tax-exempt charitable organization described in Section 501(c)(3) of the Internal Revenue Code, the mission of which is to preserve, perpetuate and improve the site and spirit of the historic Chautauqua by enhancing its community and values through cultural, educational, social and recreational experience. The Association accomplishes its mission by managing a broad range of accommodations, programs, events and services designed to include and involve the Chautauqua residents and guests, the entire Boulder community and the general public in the Chautauqua heritage. Lessee hereby covenants and agrees to further the Association's mission by supporting, promoting and participating in the Association's educational, cultural and historic programs, recreational and social events, and capital improvements and common area maintenance, as otherwise specifically provided in this Sublease. Lessee (including each person whose interests appear collectively as "Lessee") shall be a current member in good standing of the Colorado Chautauqua Association throughout the term of this Sublease.

7. DAMAGE OR DESTRUCTION. If the Cottage presently located on the Demised Premises shall be destroyed or become uninhabitable, Lessee hereby agrees to construct a new cottage thereon in accordance with plans and specifications to be first approved by the

Association and then the City of Boulder. Lessee shall submit all such applications for approval within six (6) months after the occurrence of the event that causes the Cottage to become destroyed or uninhabitable (or after the Cottage is uninhabitable) and the construction or repair shall commence on or before the last to occur of (a) twelve (12) months after the date of the destruction or the cause of the uninhabitability or (b) thirty (30) days after receipt of approval of such construction or repair and, in either event, shall be diligently pursued to completion, subject to any construction moratorium imposed by the Association. In the event the Cottage is totally destroyed and Lessee does not substantially rebuild it within twenty-four months after the date of destruction, the Association may, at its option terminate this Sublease pursuant to section 14 hereof at any time thereafter and Lessee shall thereupon remove any debris from the Demised Premises. Failure of the Lessee to comply with any provisions of this paragraph shall authorize the Association to make any of said repairs, construction, or removal and any sums expended therefore may be recovered by any authorized legal remedy which the Association desires to utilize. Any such remedies shall be non-exclusive.

8. RENT. Or before January 1, 2016, Lessee shall pay the Association rent for the Demised Premises for calendar year 2016 in the amount of $_____the "Rent") [comprised of 2015 ground rent adjusted by the CPI, as provided below, plus $2,400]. Thereafter, on or before January 1 of each calendar year during the term of this Sublease, Lessee shall pay the Association Rent for the Demised Premises for such calendar year calculated by adjusting the Rent for the previous year by the increase or decrease in the Consumer Price Index (CPI), as measured on each October 1. Consumer Price Index shall mean the U.S. City Average Consumer Price Index for Urban Wage Earners and Clerical Workers (All Items; 1982-84 equals 100) published by the United States Department of Labor, Bureau of Labor Statistics or any successor agency that may issue such index. In the event that the CPI is discontinued for any reason, the Association shall use such other index, or comparable statistics, on the cost of living for urban area of the United States, as shall be computed and published by an agency of the United States or, if no such index is published by an agency of the United States, by a responsible financial periodical of recognized authority. The Association shall notify Lessee of the Rent for the coming year on or before December 1 of each year during the term of this Sublease. Each year, $2,400 of the Rent shall be used by the Association for

current and future capital improvements to the property leased by the Association under the City Lease. This amount of $2,400 per year shall be the Lessee's sole obligation for any payment toward such capital improvements.

9. OTHER PAYMENTS. Lessee shall pay to the Association, in addition to the Rent, payments for common area maintenance, mowing, snow removal, trash pickup, mail services and other common area maintenance activities, as determined annually by the Association. Any material changes in services provided or fee structure shall be made only upon an affirmative vote by a majority of the Association's Board of Directors, following reasonable notice to and the opportunity for input by Lessee.

10. REPAIR AND MAINTENANCE. Lessee shall keep the Cottage and the Demised Premises in good repair and neatly painted and maintained to the satisfaction of the Association and in accordance with the ordinances and regulations of the City of Boulder and the Rules and Regulations. In the event that Lessee fails to comply with the provisions of this paragraph within 30 days after written notice thereof is delivered by the Association to Lessee, the Association may, at its option, make any of said repairs and maintenance and any sums expended therefor, plus an administrative fee equal to 20 percent of such costs, may be recovered by any authorized legal remedy which the Association desires to utilize. Any such remedies shall be non-exclusive. Any proposed alterations or additions to the outside of the Cottage or any permanent improvements to the Demised Premises shall be first approved in writing by the Association and, if applicable, by the City of Boulder.

11. CITY LEASE. A copy of the City Lease has been provided to the Lessee. The Association shall provide Lessee with any amendments thereto. In the event the City Lease is terminated for any reason, this Sublease shall immediately and automatically terminate. This Sublease is subject to all of the provisions, terms, covenants and conditions of the City Lease and the Lessee shall not commit or allow any act or omission that would cause the Association to be in violation of the City Lease.

12. ASSIGNMENT AND SUBLETTING.

a. Lessee may lease or rent the Cottage or Demised Premises only in

accordance with the Rules and Regulations.

b. This Sublease may not be assigned or transferred by the Lessee without the prior written approval of the Association, which approval shall not be unreasonably withheld. Nonetheless, the Association may impose any reasonable conditions on its approval of any assignment, including, without limitation, the reimbursement of the Association's reasonable attorney's fees for reviewing and processing such assignment, payment of a reasonable administrative fee, and the execution by the proposed assignee of the Association's then current form of "Transfer of Ownership Assurances Documents," the current version of which has been provided to the Lessee. No assignment shall be effective unless the Association, the Lessee, and the Lessee's assignee have executed an assignment of this Sublease in form and content reasonably acceptable to the Association and Lessee. Each assignee or transferee will be bound by the terms of this Sublease. Any attempted assignment or transfer, without the Association's prior written approval, shall be void and will, at the option of the Association, terminate this Sublease.

c. Subject to Section 13 below, upon the prior written approval of the Association, which approval shall not be unreasonably withheld, this Sublease may be assigned or transferred by the Lessee to a one or more individuals, a trust, partnership, limited liability company or other entity authorized under Colorado law, provided such trust is for the benefit of Lessee or persons within the fourth degree of consanguinity of Lessee, and provided such partnership, limited liability company or other entity is owned and controlled by Lessee or persons within the fourth degree of consanguinity of Lessee. The Association may base its approval upon such terms, provisions and conditions as the Association reasonably determines are appropriate. The Lessee shall provide the Association with copies of any trust agreements, partnership agreements, partnership organizational documents and other documents as may be requested by the Association in determining whether to grant its approval of such assignment or transfer.

13. <u>ASSOCIATION RIGHT OF FIRST REFUSAL.</u> A Lessee may not sell, convey, or otherwise transfer ownership in the Cottage to a person not related to the Lessee within the fourth degree of consanguinity (an "Unrelated Buyer") unless the Lessee first allows

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the Association the opportunity to purchase the Cottage, pursuant to the following terms and conditions:

a. The fourth degree of consanguinity shall mean the following relationships including such relationships if established by marriage or adoption: spouse, parents, children, brothers and sisters, grandparents, grandchildren, aunts, uncles, cousins, nephews and nieces, great grandparents, great grandchildren, grand nephews and nieces, great aunts and uncles, all as more particularly set forth on Attachment A, attached hereto. A legal entity controlled by, or a trust for the benefit of, a natural person shall be deemed to have the same degree of consanguinity as such natural person, provided the Association has previously approved ownership and tenancy by such legal entity or trust in accordance with Paragraph 12 of this Sublease.

b. Prior to the sale, conveyance, or transfer of the ownership of the Cottage to an Unrelated Buyer, the Lessee shall deliver to the Association a written notice of intent to sell (an "Intent to Sell Notice") setting forth, at a minimum, the following:

(i) The name of the Lessee and a description of the relevant Cottage; and

(ii) whether the Lessee has received and provisionally accepted (subject to the Association's right of refusal) a bona fide, arms-length offer to purchase the Cottage from an Unrelated Buyer and, if so, attaching to the Intent to Sell Notice the contract or documentation between the Lessee and the Unrelated Buyer relating thereto, or, if no such contract or documentation exists, setting forth the terms of such Bona Fide Offer, including the name of the Unrelated Buyer, price, closing conditions, and any other material terms or conditions (a "Bona Fide Offer").

c. In the event the Intent to Sell Notice sets forth a Bona Fide Offer, then, during the 30-day period following delivery of the Intent to Sell Notice, the Association may, at its option, deliver to Lessee a written offer to purchase the Cottage from the Lessee on terms, including price, no less favorable to the Lessee than those set forth in the Bona Fide Offer (the "Association Offer"). In the event the Association delivers an Association Offer, the Lessee shall not consummate any sale of the Cottage to the Unrelated Buyer and instead shall sell the Cottage to the Association on the terms and

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conditions set forth in the Association Offer. Lessee and the Association shall consummate such sale as soon as practicable after delivery of the Association Offer.

d. In the event the Intent to Sell Notice sets forth a Bona Fide Offer and the Association fails to timely deliver an Association Offer (or affirmatively states in writing that it will not deliver an Association Offer), then the Lessee may sell the Cottage to, and only to, the Unrelated Buyer on, and only on, the terms and conditions of the Bona Fide Offer; provided, however, the price may be equal to or greater than the price set forth in the Bona Fide Offer. In the event Lessee and the Unrelated Buyer fail to consummate such sale within one year after delivery of the Intent to Sell Notice, then the Intent to Sell Notice shall be deemed to have been withdrawn and Lessee may not sell the Cottage to the Unrelated Buyer or any other person or entity unless Lessee again complies with the terms of this paragraph 13.

e. In the event the Intent to Sell Notice does not set forth a Bona Fide Offer, then, within 45 days after delivery thereof to the Association, the Association may, at its option, deliver to the Lessee a written offer to purchase the Cottage, setting forth the price and terms offered by the Association (also an "Association Offer"). The Lessee may, at its option, accept the Association Offer by delivering written notice thereof to the Association within 30 days after delivery of the Association Offer, whereupon the Association and the Lessee shall consummate the sale of the Cottage to the Association on the Association Offer terms, or on such other terms as the parties may agree, as soon as practicable.

f. In the event the Intent to Sell Notice does not set forth a Bona Fide Offer and the Association delivers an Association Offer which the Lessee rejects or does not timely accept, then the Lessee may sell the Cottage to an Unrelated Buyer on, and only on, the terms, including price, which are no less favorable to the Lessee than those set forth in the Association Offer. In the event Lessee and an Unrelated Buyer fail to consummate a sale on such terms within one year after delivery of the Intent to Sell Notice, then the Intent to Sell Notice shall be deemed to have been withdrawn and Lessee may not sell the Cottage to an Unrelated Buyer unless Lessee again complies with the terms of this paragraph 13.

g. In the event the Intent to Sell Notice does not set forth a Bona Fide Offer and the Association fails to timely deliver an Association Offer (or affirmatively states in writing that it will not deliver an Association Offer), then the Lessee may sell the Cottage to an Unrelated Buyer on any terms and conditions upon which they may agree. In the event Lessee and an Unrelated Buyer fail to consummate a sale within one year after delivery of the Intent to Sell Notice, then the Intent to Sell Notice shall be deemed to have been withdrawn and Lessee may not sell the Cottage to an Unrelated Buyer unless Lessee again complies with the terms of this paragraph 13.

h. Within 10 days after delivery of an Intent to Sell Notice, the Lessee shall provide the Association with access to the interior of the Cottage for purposes of inspection and assessment. In the event the Lessee fails to provide such access, then for every day of delay in providing access after the 10th day after delivery of an Intent to Sell Notice, the time for the Association to deliver a the Association Offer under this paragraph 13 shall be extended by a day.

14. DEFAULT AND REMEDIES. Any material default by Lessee of any provision of this Sublease including, without limitation, failure to abide by the Rules and Regulations, the provisions of paragraph 5, failure to rebuild a Cottage pursuant to paragraph 7, failure to pay rent or maintenance contribution in accordance with paragraphs 8 and 9, or failure to maintain the Cottage in good repair in accordance with paragraph 10, or the provisions of paragraph 11,12, or 13, shall authorize the Association, at its option, to terminate this Sublease if the Lessee fails to cure such default after the occurrence of the following steps:

a. The Association has delivered to the Lessee two written notices of such default, the second of which notices shall be delivered no sooner than 15 days after the first; and

b. if the Lessee has delivered to the Association written notice of Lessee's dispute of the material default within 15 days after delivery of the second of the Association's notices, the Association has made a representative available to mediate such dispute in good faith with Lessee by a neutral mediator and either (i) Lessee has failed to participate in such mediation, or (ii) such mediation is

unsuccessful in resolving the dispute within 60 days after its commencement.

If the material default continues following the occurrence of the foregoing, the Association may, at its option, terminate this Sublease by delivering written notice thereof to Lessee, in compliance with applicable law. In the event of such termination, (i) Lessee shall vacate and surrender the Demised Premises and Cottage to the Association within 30 days after delivery of the notice of termination, and (ii) the Association shall pay Lessee the fair value of the Cottage, as determined by an independent appraiser selected and paid for by the Association. Any waiver or forbearance by the Association with respect to any default by Lessee shall not eliminate or prejudice the Association's right to terminate this Sublease by reason of any other or subsequent default. Nothing contained in this paragraph shall prevent either party from seeking damages or equitable relief from a court of competent jurisdiction. Any such legal action shall be brought exclusively in Boulder, Colorado.

15. DISPOSITION OF IMPROVEMENTS AT END OF TERM. If this Sublease is not terminated by the Association due to the material default of the Lessee pursuant to section 14, hereof, then at the end of the term of this Sublease, if the City Lease is renewed, the Association and the Lessee shall, as soon as practicable after the date of City Lease renewal, negotiate in good faith a new sublease having the same term (duration) as the renewed City Lease, and such other terms that the Association and the Lessee may agree. If the City Lease is not renewed, or if the Association and the Lessee do not enter into a new sublease, then, in either event, at the end of the term of this Sublease, Lessee shall have the option to remove all improvements from the Demised Premises, subject to applicable governmental approvals. Any improvements not removed within six months after the end of the term of this Sublease, unless a new Sublease is entered into as provided for above, shall become the property of the Association.

16. MISCELLANEOUS.

a. In the event that any provision hereof shall be held to unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

b. The parties agree to make any modification or amendment to this Sublease that may be necessary at any time to assure that this Sublease does not (i) constitute an

"excess benefit transaction" within the meaning of Section 4958 of the Internal Revenue Code which could give rise to the imposition of a penalty on the Lessee, or (ii) in any way jeopardize the Association's tax-exempt status as an organization described in Section 501 (c)(3) of the Internal Revenue Code.

c. No delay, omission or forbearance in exercising the right or power of any party under this Sublease shall impair any such right or power or shall be construed as a waiver thereof, unless such waiver is expressly given in writing and signed by the party sought to be bound thereby.

d. The captions contained herein are inserted for ease of reference only and shall not be construed to modify any part hereof.

e. This Sublease contains and constitutes the entire agreement between the Association and Lessee with respect to the subjects addressed herein, and all prior or contemporaneous agreements or leases between the Association and Lessee, whether written or oral, are merged in and superseded by this Sublease.

f. If Lessee is comprised of more than one person or a legal entity or trust, they or it shall designate a single individual to receive any notification from the Association, and notification to such individual shall be deemed to be delivered to all persons, entities, or trusts having an interest in this Sublease. Lessee may change such designation from time to time by delivering written notice thereof to the Association. Absent such designation, the Association may deliver notices hereunder to the address set forth below.

g. This Sublease is entered into in Boulder, Colorado, and shall be governed by and construed in accordance with the laws of the State of Colorado. The parties hereto irrevocably subject themselves to the jurisdiction of the courts in Boulder County, Colorado. In the event of litigation to enforce the terms of this Sublease, the prevailing party shall be awarded its attorneys' fees, to the extent permitted by law. The prevailing party shall mean the party receiving substantially the relief desired, whether by settlement, dismissal, summary judgment, judgment, arbitration, mediation, or otherwise.

h. No amendment or modification of this Sublease shall be valid or binding unless reduced to writing, approved and executed by the parties in the same manner as the execution of this Sublease.

i. This Sublease, or a short form version hereof, may, at the option of the Association, be recorded with the Office of the Clerk and Recorder for Boulder County, Colorado, and Lessee shall execute such additional forms, including a short form version of this Sublease, as the Association may reasonably request from time to time in furtherance of the purpose of this Sublease.

COLORADO CHAUTAUQUA ASSOCIATION

By:_____

Title:_____

LESSEE:

[Individual(s) – list all; Partnership, LLC or Trust Name]

By:_____

Name (printed): _____

Its [authority/title]: _____

Signator'sAddress:_____

_____

_____

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Signator's Phone:_____

Signator's email address:

_____

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Attachment A
Consanguinity Chart

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LEASE

THIS LEASE, made and entered into this ____ day of _____, 2015, by and between- the City of Boulder, Colorado, a Colorado home rule city ("City"), and the Colorado Chautauqua Association, a Colorado non-profit corporation ("Association").

WITNESSETH:

WHEREAS, the City and the Association have maintained for ~~approximately~~ one hundred and seventeen years a mutually beneficial relationship in the establishment and maintenance of a Chautauqua assembly for the benefit of the Boulder community and its visitors; and

WHEREAS, the entire Chautauqua (a portion of which is described in Exhibit A attached hereto) was entered into the City, state and national registers of historic places as ~~an~~a historic district in 1978; and was designated a National Historic Landmark district by the U.S. Secretary of the Interior in 2006; and

WHEREAS, the preservation of the Chautauqua heritage for the benefit of future generations -and the operation -of the Chautauqua -for the benefit- of all are the primary objectives of both parties;

WHEREAS, the existing Lease agreement between the parties will expire on ~~March 6, 2001~~January 14, 2018; and

WHEREAS, the parties have determined that it is in the interests of both to renew the existing Lease on the terms and conditions set forth below; and

WHEREAS, on December 4, 2012, the Boulder City Council adopted Guiding Principles for Place Management and Fiscal Sustainability, which are attached as Exhibit B and which are incorporated as if set fully forth in this lease agreement.

NOW, THEREFORE, the parties hereby agree as follows:

1. TERM. The City hereby leases to the Association the real property described in Exhibit A attached hereto ~~to the Association~~ for a period of twenty years, beginning January ~~14, 1998~~1, 2016, and ending December 31, 2035. The parties agree that if, during the six-month period prior to January 1, 2026, neither party objects, a new Lease, with terms identical to the prior lease, will commence for a period of twenty years beginning on January 1, 2026, and ending on December 31, 2045. Any such objection may be made by an affirmative vote of the majority of the City Council or by an affirmative vote of a majority of the Association's Board of Directors. In the event that a party ~~so~~ objects, the term of the Lease shall end on December 31, 2035. The City reserves the right to replace the description contained in Exhibit A by a more detailed survey of the land in question, at any time.

2. RENT. As rent, and as partial consideration for this Lease, the Association agrees to pay to the City on or before ~~October~~January 1 of every calendar year during the ~~term~~Term hereof ~~a~~the sum of ~~money calculated as follows:~~one dollar.

~~A. In lieu of City ad valorem taxes on the real property described in Exhibit A, the Association shall pay $2,000.00 per annum to the City.~~

~~B. As rental for the use of the real property described in Exhibit A, the Association shall pay $2,500.00 per annum to the City.~~

3. RESPONSIBILITIES. Chautauqua encompasses multiple ownerships and missions; the needs and interests of many must be balanced in a manner that protects the site and spirit of Chautauqua, in keeping with Guiding Principles for Place Management and Fiscal Sustainability.

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Management decisions about surrounding uses should be made with sensitivity to potential impacts on the Association's leasehold area. The Association accepts responsibility for the maintenance and improvement of all buildings and improvements located on the real property described in Exhibit A, except for private cottages and the public restrooms immediately below the Dining Hall. With respect to ~~such~~the Dining Hall public restrooms, the City shall assume all costs of regular and reasonable cleaning and maintenance, supplies and water, annual painting, and major maintenance, including, without limitation, replacement of obsolete or unserviceable fixtures. The Association shall maintain, preserve and keep all buildings and improvements for which it is responsible in good repair, working order and condition and shall make or cause to be made all necessary repairs and improvements to that end. The Association shall have the privilege of remodeling the buildings and improvements and making such substitutions, additions, modifications and improvements thereto as the Association may deem proper. Any such substitutions, additions, modifications and improvements shall be governed by the Collaborative Place Management provisions of Guiding Principles for Place Management and Fiscal Sustainability as set forth in Exhibit B and be subject to all other city requirements. The Association agrees to implement all feasible procedural safeguards in the operation of the Auditorium~~;~~, the Dining Hall and the Academic Hall so as to minimize the likelihood of serious fire. Subject to the availability of appropriations therefor, the City shall:

A. Provide all ongoing City services, such as police, fire, animal control, and the ~~like~~similar services, to the area described in Exhibit A; and ~~shall assume the maintenance of e public streets and public utilities of such area and the park areas adjacent thereto;~~

~~B. Plant screening landscape around the parking lot parcel separately described in Exhibit A; and~~

B. The City shall provide for the maintenance of the streets, but not the alleyways. The parties recognize that the streets in the leasehold area are part of the historic nature of Chautauqua. The city shall not be responsible for maintaining such streets to the level of normal city standards for city streets. The city shall make such minor and incidental repairs as may be necessary to keep the streets serviceable. The city shall provide snowplowing for such streets as resources are available consistent with other city priorities.

C. ~~If the Association is unable to secure grant funding for replacement after all reasonable efforts, pay for the cost of replacing the wooden roofs on the Dining Hall and the Auditorium (stage roof only) before or by 2014~~The parties agree that in the foreseeable future, major renovation of the streets, and drainage system will be necessary, and that on-going maintenance of the water mains and sanitary sewers mains will continue and be prioritized with other city utility maintenance work. The city accepts the primary responsibility for funding the major renovations in accord with the city's capital improvement program. The Association accepts responsibility to contribute financially to these improvements. The parties intend that the renovation of infrastructure will be coordinated with moving the overhead utilities underground.

4. BY-LAWS AND ARTICLES OF INCORPORATION. Throughout the ~~term~~ Term of this Lease, two ~~fifteenths (2/15)~~ of the Association's ~~Board of~~ Directors shall be appointed by vote of the City Council~~.~~, one of whom shall be a member of City Council. Without the written permission of the City, the Association shall have no more than 15 members on its Board of Directors, inclusive of those appointed by the City

5. USE OF FACILITIES. The Association shall have year-round use of all of the real property described in Exhibit A, and it is the intent of the parties that the leased facilities be ~~given the widest practicable use in terms of scope and time.~~managed such that needs and interests of

many are balanced in a manner that protects the site and spirit of Chautauqua. The leasehold area should be used, managed and preserved in a manner consistent with the community's sustainability goals and with sensitivity to impacts on surrounding residential neighborhoods, the adjacent park and the surrounding open space, while allowing the Association to remain financially viable without city subsidy. At a minimum, the Association shall schedule a summer entertainment program in the Auditorium annually beginning no later than June 15 and extending to at least August 31. Such programming shall include at least 15 live performances.

6. ~~TRAFFIC CONTROL~~ACCESS AND PARKING~~. The Association shall have the following rights~~ MANAGEMENT. ~~–~~As a national, regional and ~~powers with respect to entry into~~local landmark and ~~parking within~~ attraction, Chautauqua needs a tailored access management strategy to balance the access of the ~~areas described in Exhibit A:~~

~~A. The Association shall be entitled, at its discretion, to deny or regulate motor vehicle entry into such areas when~~variety of users and modes while also maintaining the ~~available parking space therein has been filled or is close to being filled. For purposes of exercising this right, the Association may deny or regulate entry at the entrance to the park on Baseline Road and/or on 12th Street. In exercising this right, the Association will use its best efforts to direct motor vehicles which are denied entry to available parking space on the north side of Baseline Road~~natural, built, and ~~12th Street, and will otherwise use its best efforts to minimize the impact of motor vehicle parking and traffic in the residential neighborhoods adjacent to the park.~~

~~B. The Association shall be entitled, at its discretion, to impose a charge for parking within such areas.~~

historic environments. The Association and the City agree that the absence of a dependable and coherent ~~residential~~ parking ~~scheme~~program in the areas described in Exhibit A has adversely affected the Association's operations, the maintenance of a Chautauqua assembly

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and its attendant mission, and the experiences of those who reside or stay in such areas in order to enjoy and experience ~~the Chautauqua. The Association and the City further agree that a solution to the foregoing problems requires the adoption and implementation of a residential permit parking system or similar plan, which reasonably assures to each cottage a reasonably convenient on or off street parking space. To that end, the City shall direct its staff to work with the Association to design such a system or plan, and shall use its best efforts to adopt the same as an Ordinance of the City, enforceable in the same manner as other City Ordinances of a similar nature. But such commitment shall not impair the legislative authority of the City Council.~~Chautauqua. The parties recognize that during peak periods, parking demand for all uses within and around Chautauqua far exceeds supply. The movement of vehicles looking for parking presents safety issues and degrades the visitor experience. During the first year of this Lease, the parties commit to develop a Chautauqua Access Management Plan, which shall be thereafter periodically reviewed and revised by the parties to address current circumstances and conditions. That plan shall be governed by the following principles:

- Chautauqua is a unique shared resource requiring unique solutions.
- Chautauqua is a National Historic Landmark.
- The needs of all stakeholders, including the Association, cottage owners, park users, open space users and neighbors should be considered.
- A mix of uses must be accommodated.
- Pedestrians must be given priority on the narrow streets without sidewalks.
- Traffic circulation should be minimized in the interests of pedestrian safety and user experience.
- Parking demand is seasonal and solutions need not address time periods during which access is readily available.
- During peak periods, the parking needs of users in the historic core should be prioritized, but not exclusive.
- A seasonal transportation demand management (TDM) plan for employees should be implemented.
- The right of public access should not be unreasonably restricted.
- The interests of the surrounding neighbors should be addressed.
- Any plan should be flexible to address changing circumstances.
- Access management should be consistent with the Guiding Principles for Place Management and Fiscal Sustainability.

- Consistent with the City's climate commitment and sustainability and resiliency goals, any plan should support public transit, alternative modes of transportation, ~~and~~ a reduction in vehicle miles traveled and a reduction in visits in single occupant vehicles. .

7. NON-DISCRIMINATION. The Association shall abide by all relevant City, state and federal legislation concerning non-discrimination in the offering of housing and public accommodations and in admissions to public events.

8. INSURANCE. The Association shall cause public liability insurance to be carried and maintained, at all times during the term hereof, with respect to all activities to be undertaken by the Association on or in connection with the real property described in Exhibit A. Such public liability insurance shall be in amounts not less than the then applicable coverage amounts for any injury to one person in any single occurrence and coverage amounts for any injury to two or more persons in any single occurrence set forth in Section 24-10-114, C.R.S. 1973, as amended, but not less than $150,000.00 for any injury to one person in any single occurrence. Insurance purchased by the Association pursuant to this section shall name the City as an additional named insured, and a certificate evidencing the insurance coverage required by this section shall be provided at least annually to the City. Each insurance policy provided pursuant to this section shall contain a provision to the effect that the insurance company shall not cancel the policy or modify it materially and adversely to the interests of the City, without first giving actual written notice thereof to the City at least ten days in advance of such cancellation or modification.

9. ~~COVENANT NOT TO INCUR~~ LIENS. The Association shall not incur liens greater than ~~a total of $1 million dollars~~its reasonable ability to repay based on ~~the leasehold described in Exhibit A or on any of the buildings or improvements located thereon not owned by the City,~~Association revenue. The Association shall obtain proper bonds to insure against any such liens and shall ~~post the land prominently to indicate~~include provision in any relevant document stating that the City shall not be responsible for any indebtedness or liens incurred.

10. ASSOCIATION TO ASSUME DUTIES OF CITY: INDEMNIFICATION. The Association shall assume any and all duties ~~with~~which might otherwise be imputed to the City by virtue of its continued ownership of the public buildings located on the real property described in Exhibit A, except for the public restrooms~~.~~ located on the lower level/north side of the Dining Hall building. The Association agrees to indemnity and save harmless the City against any and all claims, debts, demands, or obligations which may be asserted against the City arising by reason of, or in connection with, the City's ownership of the aforementioned public buildings and any alleged act or omission of the Association on or in connection with the real property described in Exhibit A.

11. ~~PERMITTING~~COORDINATION. The Association and the City shall develop a mutually agreeable process for sharing information concerning planned activities and events in the City park and open space adjacent to the ~~real property~~Association's leasehold described in Exhibit A, and concerning the receipt, review and grant of permits for activities in ~~the park. The process by which information will be shared, needed agreements reached and applications for permits reviewed and approved shall be included in an annual review of issues and procedures conducted between the Parks and Recreation Department and the Association, and may be renegotiated at any time upon request of either party.~~those City adjacent areas.

12. INSPECTION OF BOOKS. The Association shall maintain its principal office on the Chautauqua grounds and shall keep and maintain the books of the Association at such office. The books and records of the Association shall be subject to inspection and examination by the City at all times.

13. ANNUAL REPORT AND AUDIT. The Association shall provide an annual report to the City on or before ~~March 1st of~~June 15th of each year detailing the following performance indicators: number and type of performances; number of attendees in Auditorium, Community House and other programming venues; estimated number of City residents served; estimated

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number of Boulder youth served; number of tickets and free admissions provided to community organizations and individuals; number of free (no cost) events sponsored by the Association; description of outreach efforts to diverse populations/communities of color in Boulder; number of low ~~or no~~ cost rentals to non-profit or governmental groups in the community; and number and type of partnerships with other arts and cultural organizations. The foregoing report shall accompany an annual financial audit and a copy of the Association's Internal Revenue Service filing (currently form 990) disclosing detailed financial information about the Association, including compensation of officers and directors. The Association also shall provide to the city copies of minutes of Board of Directors' meetings within thirty days of approval by the Board of Directors. ~~Subsequent to the receipt of the annual report and the annual audit, the City Manager or his/her designee shall convene a meeting to discuss any d all issues that may exist between the City and the Association. This meeting may be combined with the annual review described in Section 11 above.~~

~~14. LIMITATIONS ON SUBLEASES. The Association shall provide in all subleases to owners of private cottages that:~~

~~A. No sublease shall be assigned or further let without prior written approval of the Association, which approval shall not be unreasonably withheld.~~

~~B. Upon termination or nonrenewal of such sublease, the owner of the improvements on the property shall have the choice to remove such improvements from the property. Any improvements not removed within six months shall automatically become the property of the Association.~~

~~C. As a condition of continued tenancy, each cottage owner shall, prior to transferring an ownership interest in the cottage to or for the benefit of any person not related to the owner within the fourth degree of consanguinity including marriage or adoption, as set forth in the chart attached as Exhibit B), offer, in writing, to sell all ownership interests in the cottage to the Association~~

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~~(the "Offer"). The Association shall have twenty one (21) days from the date it receives the Offer to notify the owner in writing of its determination to proceed with the offer (the "Continuation Notice"). If the Association fails to provide the Continuation Notice within twenty one (21) days following its receipt of the Offer, the owner may freely transfer his or her interest in the cottage during the rest of the year, ending on the anniversary of the Association's receipt of the Offer. At the conclusion of that year, the provisions this paragraph shall again be triggered by any proposed transfer beyond the fourth degree of consanguinity (as defined above). If the Association provides the Continuation Notice within twenty one (21) days following its receipt of the Offer, the owner and the Association shall proceed as follows:~~

~~(i) For the thirty (30) days immediately following the Association's provision of the Continuation Notice, the Association and the owner shall negotiate concerning the price to be paid by the Association for the purchase of all ownership interests in the cottage (the "Negotiated Purchase Price"). If, within or at the conclusion of that thirty (30) day period, the Association and the owner agree in writing n a Negotiated Purchase Price, then the owner shall transfer all ownership interests in the cottage to the Association for payment of the Negotiated Purchase Price at a closing occurring at date and time mutually agreeable to the parties, but no later than forty five (45) days after the date on which agreement was reached on the Purchase Price. Payment of the Negotiated Purchase Price at the closing shall be apportioned and allocated as follows: first, to the payment of any and all ad valorem or other taxes then due and owing on the cottage, or which will be due and owing for the calendar year, tax year or other relevant period up to the date of closing; second, to the full payment and satisfaction of any and all liens, encumbrances, assessments or other obligations~~

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~~secured by the cottage or any interest in the cottage; third, to the owner or his/her designee.~~

~~(ii) If the Association and the owner are not able to agree in writing on a Negotiated Purchase Price within the thirty (30) day period set forth above, then within seven (7) days after the termination of the thirty (30) days, the owner and the Association shall jointly request a list of six (6) appraisers from the Appraisal Institute or such other association or group of professional appraisers as may be specified in the sublease to which the Association and the owner are parties. The listed appraisers shall have no prior or current professional or financial relationship with the Association or the owner, shall not have a family relationship of any type with the owner, and shall have the following minimum qualifications: a) an MAI or SRA certification; b) a minimum of seven (7) years experience in the appraisal of real estate; c) a .minimum of five (5) years experience in the appraisal of real estate in the Denver-Boulder metropolitan area.~~

~~(iii) Within seven (7) days after receipt of the list of appraisers, the owner and the Association shall meet to select two appraisers from the list. The Association and the owner shall each take turns striking one appraiser from the list until only two appraisers remain (collectively, the "Impartial Appraisers").~~

~~(iv) The Association/ and the owner shall jointly inform each Impartial Appraiser of his/her selection, and shall jointly request that each Impartial Appraiser promptly appraise the value of the cottage without regard to the value of the land on which it is situated and which the owner is entitled to use and occupy by virtue of his or her sublease with the Association, without regard to any offer which may have been made for the purchase of the cottage, without regard to any contract of sale which may then be outstanding with respect to the~~

~~cottage, and without communicating with the other Impartial Appraiser concerning his or her appraisal of the cottage. Each Impartial Appraiser shall issue a written report of his or her appraisal to the Association and the owner (an "Appraisal Report"). Except as set forth below, the Association and the owner shall be equally responsible for the payment of all fees and costs charged by the Impartial Appraisers in preparing the Appraisal Reports.~~

~~(v) The average of the values of the cottage set forth in the Appraisal Reports shall constitute the price which the Association must pay in order to purchase all ownership interests in the cottage (the "Appraised Purchase Price"). The Association shall have twenty one (21) days from its receipt of the second Appraisal Report in which to notify the owner of its intent to purchase all ownership interests in the cottage at the Appraised Purchase Price (the "Purchase Notice"). If the Association fails to provide the Purchase Notice within twenty one (21) days following its receipt of the second Appraisal Report, the owner may freely transfer his or her interest in the cottage during the rest of the year, ending on the anniversary of the Association's receipt of the second Appraisal Report. At the conclusion of that year, the provisions this paragraph C shall again be triggered by any proposed transfer beyond the fourth degree of consanguinity (as defined above).~~

~~(vi) If the Association provides the Purchase Notice within twenty one (21) days following its receipt of the second Appraisal Report, the Association shall be entitled to purchase and receive all ownership interests in the cottage on the terms set forth below unless, within thirty (30) days following his or her receipt of the Purchase Notice, the owner notifies the Association in writing of his/her decision to terminate the Purchase Notice (the "Termination Notice"). The Termination Notice shall be accompanied by payment from the owner to the~~

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~~Association in an amount equal to the Association's share of the fees and costs incurred and charged by the Impartial Appraisers in preparing the appraisal reports, and shall be void and ineffective unless accompanied by such payment. If the owner provides the Termination Notice and required payment to the Association on or within thirty (30) days following his or her receipt of the Purchase Notice, the Association's entitlement to purchase and receive all ownership interests in the cottage shall terminate; provided, however, that the provisions of this paragraph C shall again be triggered by any proposed transfer beyond the fourth degree of consanguinity (as defined above), regardless of such transfer occurs or is proposed to occur.~~

~~(vii) If the Association provides the Purchase Notice within twenty one (21) days following its receipt of the second Appraisal Report, and if the owner does not provide the Termination Notice and required payment to the Association on or within thirty (30) days following his or her receipt of the Purchase Notice, the owner shall transfer all ownership interests in the cottage to the Association for payment of the Appraised Purchase Price at a closing occurring at a date and time mutually agreeable to the parties, but not later than forty five (45) days after the owner's receipt of the Purchase Notice. Payment of the Appraised Purchase Price at the closing shall be apportioned and allocated as follows: first, to the payment of any and all ad valorem or other taxes then due and owing on the cottage, or which will be due and owing for the calendar year, tax year or other relevant period up to the date of closing; second, to the full payment and satisfaction of any and all liens, encumbrances, assessments or other obligations secured by the cottage or any interest in the cottage; third, to the owner or his/her designee.~~

~~In order to assure an objective purchase decision on the part of the Association, the Association shall maintain a reasonable reserve for the purchase of cottages,~~

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~~and no person with a current or prospective financial interest in the matter may vote on the Association's decision to set the amount of such reserve or to purchase or not to purchase a cottage.~~

14. PRIVATELY OWNED COTTAGES. There are currently 39 privately-owned cottages at Chautauqua. Private ownership of some of the cottages provides a contemporary sense of neighborhood and a link to Chautauqua's history. While some cottages have year-round residents, others follow a historic pattern of use by families during the summer months. Recognizing the importance of private ownership, it is the intent of the parties that the number of privately-owned cottages shall not change significantly. The Association shall sublease the land on which the private cottages are situated to the owners of each private cottage. The Association has acquired a privately-owned cottage only once during the prior twenty year lease term. The parties recognize, however, that the Association may choose to acquire cottages in furtherance of its mission to preserve, perpetuate and improve the site and spirit of the historic Chautauqua. The Association agrees that it will only exercise the right of acquisition pursuant to strategic guidelines set forth by its board of directors and as necessary to further its mission. The Association further agrees to- increase rents substantially and to reserve the revenue from the increased amount for contribution to the major renovations described in paragraph 3(C) above. -The Association shall establish rental rates after giving consideration to the following factors, and such other factors as the Association may deem pertinent:

- –The Association's need to maintain and operate Chautauqua without city subsidy;
- The need for cottage owners to have sufficient financial resources to preserve the historic cottages; and
- Recognition of the limited financial resources of some cottage owners.

15. SUBLEASES. The Association shall, as soon as practicable after the date of this lease, negotiate sublease with the private cottage owners (each a "Sublease"). Each Sublease shall be substantially in form and content as set forth in Exhibit C attached hereto and shall have

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the same term as the term of this lease including any renewal~~extension~~ of the term as provided in paragraph 1.

Nothing in this Section ~~14~~15 shall prohibit the Association and the owner from agreeing to provisions in the sublease which are supplemental or additional to the terms set forth above, provided that such supplemental or additional provisions are consistent with, and do not impair or limit, the terms set forth above.

~~15~~16. TERMINATION OR NONRENEWAL OF LEASE. Upon the termination or nonrenewal of this Lease, all buildings and improvements on the real property described in Exhibit A shall be removed within six months, and if not removed shall automatically become the property of the City of Boulder.

~~16~~17. MISCELLANEOUS.

A. The legislation of the State of Colorado and the City of Boulder shall be applied in the interpretation, execution, implementation and enforcement hereof.

B. In the event that any provision hereof shall be held to be unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

C. This Lease shall be terminable ~~immediately~~ by either party upon any breach of the terms hereof~~;~~. No delay, omission or forbearance in exercising such right or power shall impair any such right or power or shall be construed as a waiver thereof, unless such waiver is expressly given in writing and signed by both parties. Prior to termination, the party asserting breach shall provide notice immediately to the other party. The party that is alleged to have breached the Lease shall have fourteen days to cure. If the breach is not cured within fourteen days after notice, the Lease may be terminated.

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D. The captions contained herein are inserted for ease of reference only and shall not be construed to constitute or modify any part hereof.

E. This Lease contains and constitutes the entire agreement -between- the City and the Association with respect to the subjects addressed herein, and all prior or contemporaneous agreements or leases between the City and the Association, whether written or oral, are merged in and superseded by this Lease.

18. AMENDMENT. No amendment or modification of this Lease, shall be valid or binding unless reduced to writing, approved and executed by the parties in the same manner as the execution of this Lease.

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IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

CITY OF BOULDER, COLORADO

_____
Jane S. Brautigam, City Manager
1777 Broadway
Boulder, CO 80302
Telephone (303) 441-3090
Fax (303) 441-4478

Attest:

_____
City Clerk

THE COLORADO CHAUTUAQUA ASSOCIATION

By: _____
Susan G. Connelly, Executive Director
900 Baseline Road
Boulder, CO 80302
Telephone: (303) 442-3282
Fax: (303) 449-0790

Attest:

_____
Secretary, Board of Directors

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LANDMARKS BOARD COMMENTS ON THE PROPOSED CHAUTAUQUA LEASE AGREEMENT

9/10/15 (final edition)

POSITIVES

- The proposed term conditions provides the ability to have, in essence, a 30 year lease easing access to financing for important maintenance of the historic built environment if it is to continue to be a valuable asset.

CONCERNS & SUGGESTIONS

- The proposed documents do not clearly statement what the shared vision for Chautauqua is and do not state that Chautauqua is subject to City ordinances, in particular to historic preservation ordinances & processes. It is important to ensure these are not subject to interpretation. Specific suggestions for achieving this are as follows.

  In *Section 3 Responsibilities* of the lease we incorporate the historic preservation Chautauqua Design Guidelines perhaps at the end of the second added sentence something like "... and be subject to all other city requirements, including but not limited to the Preservation Ordinance of the Boulder Revised Code and the Chautauqua Design Guidelines as amended from time to time."

  Add a bullet in *Section 6 Access & Parking* in the list of principles that are to govern the Access Management Plan to the effect that Access Management shall be consistent with and prioritize the preservation of Chautauqua's historic assets.

- The Landmarks Board feels that an increase in the number of City appointees is appropriate and would reflect more accurately the City's stake in Chautauqua. Specifically -

  Require Chautauqua to at least put on their next election an increase in the number of Board Members to be appointed by City Council, and if that fails to agree to appoint one of the members appointed by City Council to Chautauqua's Executive Committee.

  A City appointee or City Councilor board member should be permitted to attend Executive Committee meetings and all executive sessions.

ADDITIONAL COMMENTS

As a board we're in disagreement about a couple points. Following are comments that at least one of us felt strongly about including here but we don't have consensus on.

- By not maximizing use is there danger of creating exclusivity? Some members expressed concern about the appearance of shifting ideology from the historical mission & population served to more elitism. An example of this is the reduction of affordable cottage rentals to students. And could a result of not maximizing use be that Chautauqua becomes a summer cottage retreat for the wealthy and deemphasizes the educational/cultural mission of lectures, films, and concerts?

- A contrary view to the one expresses above is, pressure to maximize use & income, demonstrated by CCA's past effort to construct structured parking & convention facilities, will be removed with the proposed agreement, thus providing a means to avoid over use that threatens the sensitive natural & historical nature of the place.

Not a point of disagreement but slightly off topic

- The proposed rent of $1 per year is inconsistent with the several hundred dollars for a few hours charged to use the Band Shell. Both landlord/ tenant arrangements provide public benefits so why charge CCA so little OR why charge so much for the Band Shell?

Chautauqua Lease Committee
Joint Meeting with City Boards AND Follow-Up Lease Committee Meeting
September 10, 2015
Final Meeting Summary

JOINT MEETING WITH CITY BOARDS

Attendance

Committee Members: Susan Connelly, George Karakehian, Tim Plass, Deb van den Honert, Bob Yates
City Staff: Yvette Bowden, Tom Carr, Lisa Martin, Mike Sweeney, Deryn Wagner
Facilitation: Heather Bergman, Katie Waller
City Boards:

- *Landmarks Board (LB):* Fran Sheets, Deborah Yin
- *Open Space Board of Trustees (OSBT):* Molly Davis, Shelley Dunbar, Frances Hartogh, Tom Isaacson
- *Parks and Recreation Advisory Board (PRAB):* Mike Conroy, Marty Gorce, Jennifer Kovarik, Kelly Wyatt
- *Planning Board:* John Gerstle
- *Transportation Advisory Board (TAB):* Dom Nozzi, Bill Rigler

Observers: There were 25 observers present, including Chautauqua residents and interested citizens.

Status of the Lease Negotiation

Boulder City Attorney Tom Carr summarized the current status of the lease negotiations and highlighted several aspects of the lease that have resulted in substantial discussion within the Committee and/or additional comments or questions by members of the Boulder City Council. The complete presentation slides are attached to this summary; highlights of the presentation are below. Comments and questions from members of the assembled City boards are noted in the relevant presentation section, with the board that each commenter represents indicated in parentheses. When members of the Committee or the City Attorney provided answers or responses, these are noted as well.

Purpose of This Meeting

- The current lease expires on January 13, 2018.
- The purpose of this meeting is to get feedback from the assembled boards on the proposed lease.
- Board members are encouraged to focus their feedback on areas related to their respective areas of expertise, though all comments and questions will be shared with City Council.

Board Questions/Comments: None

Guiding Principles

- The lease is more than a lease; it governs the rights of cottage owners.
- The lease maintains a public-private partnership between the Colorado Chautauqua Association (CCA) and the City of Boulder.
- The lease is built upon prior negotiations between CCA and the City in 2011. These negotiations emerged from controversy about the idea of building a new structure at Chautauqua and resulted in the creation of a list of Guiding Principles. The Guiding Principles state that:

    - Chautauqua is a public place.
    - Chautauqua is a historic landmark.
    - Chautauqua has a historic mission.
    - A balanced approach is required to manage Chautauqua's uses.
    - Collaborative place management is needed.
    - A cautious approach to change at Chautauqua is needed.
    - Financial responsibility is shared by CCA and the City of Boulder.
- The Guiding Principles dialogue made it clear that any change at Chautauqua requires a transparent, collaborative solution with community involvement in the process.

Board Questions/Comments: None

Chautauqua

- The leasehold area is 26 acres.
- There are 39 privately-owned cottages and 60 cottages owned by CCA.
- The City owns the land, the dining hall, the auditorium, and the academic hall.
- CCA maintains these facilities.
- The buildings were built in the early 20th century.
- Major renovations were required by the late 1970s.

Board Questions/Comments: None

Lease Timeline

- The current lease was adopted on January 14, 1998, was modified on August 12, 2002, and expires on January 13, 2018.
- City Council held a study session on February 10, 2015, and approved the charter for the Committee on February 17, 2015. Between April and August 2015, the Chautauqua Lease Committee met 7 times in publicly held meetings.
- City Council received an update and gave direction at the August 6, 2015, special Council meeting.
- Council will be asked to consider approval of the lease in October 2015.

Board Questions/Comments: None

Term (Paragraph 1, page 2)

- Under Section 111 of the Boulder Home Rule Charter, most City leases cannot be more than 20 years.
- A lease can be up to 30 years upon approval of a 2/3 vote of Council members if the tenant makes significant improvements to the property that Council finds provides a public benefit. Council members on the Lease Committee did not feel comfortable recommending 30-year term due to language in the charter reserving for Council the question of what constitutes significant improvement and whether there is a public benefit.
- Accordingly, the recommended provision is for a 20-year term with a renewal provision after 10 years. CCA and City Council both have the ability to start negotiations again after 10 years. If neither acts to restart negotiations, then the lease automatically renews for 20 years.
- There were two reasons for this approach to the lease term. First, it gives cottagers greater security about the longevity of their leases. Second, it may make it easier for CCA

to borrow money to do capital improvement projects and to enter into agreements with partners and lessees

Board Questions/Comments

- The expiration date for the lease is incorrect and should be corrected. (OSBT)
- The terms of the lease in essence create a 30-year lease. This is good and important for cottagers who help to preserve historic cottages. (LB)
- Is the auto-renewal continual or one-time? (LB) *Answer:* It is a one-time thing.
- The lease looks like it is a 20-year lease with another 20 years on it. (PRAB)
- Will this really be viewed by financiers as an actual 30-year lease? Does this accomplish the financial goal? (OSBT) *Answer:* No. Probably not. It gives the cottagers more security.
- The current lease term ends in 2018. Why are we doing this now? (OSBT) *Answer:* Council directed the City Attorney's Office to do this. There is no assurance that this is going to get done in a timely fashion. If we started in 2018, we may not finish on time. CCA also provides access to other agencies and organizations like the Colorado Music Festival and its Dining Hall operation, Three Leaf Concepts. Completing the lease negotiations as quickly as possible also gives CCA partners and lessees more security and planning ability.

Rent (Paragraph 2, page 2)

- The current lease requires CCA to pay $2,000 in lieu of ad valorem taxes and rent of $2,500.
- The Committee recommended replacing this with a provision calling for $1 in annual rent.
- The Committee's reasoning is that the current rent is symbolic, and the real value lies not in the rent paid, but the maintenance, upkeep, and capital investment that CCA makes at Chautauqua.
- This change would bring the Chautauqua lease in line with other City leases such as the lease for the Boulder Museum of Contemporary Art (BMOCA) and the Dairy Center.

Board Questions/Comments

- There is a disparity of charging $1 rent for Chautauqua compared to a few hundred dollars to rent the Band Shell for a few hours. The Landmarks Board would like City Council to look at this disparity (in regard to the bandshell). (LB)
- Does CCA spend money on any improvements outside of the leasehold area? (PRAB) *Answer:* Not really, though CCA did get a grant to help fund the bus pullout, which technically is not a part of the leasehold area. The operating maintenance expenditure is roughly $722,000 for this year. Capital improvements this year will be about $1 million. CCA averages $600,000 per year in capital expenditures. The auditorium is owned by the City, and CCA got a grant this year for projects pertaining to the Auditorium. Also, CCA provides some spaces at Chautauqua to nonprofit organizations free of charge.
- The analysis is interesting, and it seems as though this arrangement differs from other facilities that the City leases. There are many individuals at Chautauqua who benefit from this more than other places with similar rent. *Response:* While there is $722,000 of work being completed at Chautauqua this year, about $90,000 of that is being funded by cottage owners.

Responsibilities (Paragraph 3, pages 2-3)

- CCA's and the City's responsibilities are specifically referenced in the Guiding Principles.
- The lease has been updated to reflect the current maintenance practices. In the past, maintenance has not always been coordinated. Now CCA meets with the City every month to discuss maintenance needs.
- The lease has also been updated to clarify the meaning of "public streets."
- The Committee recognized the need for City participation in major utility renovation. The City does not want CCA to have to raise $10 million, so the City is going to help with renovation and capital improvement.

Board Questions/Comments

- The Landmarks Board is concerned that neither the Guiding Principles nor the lease spells out what activities and improvements have to be addressed within City ordinances related to historic preservation. The Board would like to see the Committee add something to the lease that holds CCA responsible for doing improvements within the confines of the City Code and the Charter. (LB)
- Some members of the Landmarks Board are also concerned about CCA not needing to maximize income at Chautauqua. These members feel that some of changes in how Chautauqua is used could damage the spirit of Chautauqua and undermine its historical value. (LB)

Bylaws and Articles of Incorporation (Paragraph 4, page 4)

- The current lease entitles the City to appoint two of fifteen CCA Board members (written as 2/15 of the Board).
- The Committee has revised this language to specify <u>two members</u> to prevent expansion of the Board beyond current size.
- This paragraph was amended to require one City appointee be a City Council member to ensure that Council's interests were represented and that Council remains aware of what happens at Chautauqua.
- The draft lease also says that the size of the Board shall not be expanded without City approval, so as not to reduce the proportion of City appointees on the Board.
- At their special meeting on August 6, City Council recommended increasing the number of City-appointed Board members. Council members disagreed on the number, though a range of 3 to 5 emerged from the discussion.
- The Lease Committee did not support this recommendation. The Committee has discussed the challenge of changing the CCA Board bylaws.
    - Any increase in City representation above the current 2 requires a change in bylaws and requires a quorum of 10 percent of CCA members. It is hard to get a quorum because many people become members to get concert tickets and do not actively participate in governance activities. Sometimes CCA must call individual members just to get them to vote. In addition, once a quorum of 10% of the CCA members is achieved, 75% of them would have to vote "yes."
    - CCA cannot guarantee an outcome of such an election, making it a challenging requirement to add to the lease. They can commit to holding a special election.
    - The Lease Committee did not think that this was worth stopping or slowing down the whole process by requiring that the bylaws be changed as a condition of the City signing the lease.

Board Questions/Comments

- The Landmarks Board believes that an increase in City representation on the CCA Board would be more consistent with City interests. They propose requiring that CCA put this question to a vote of their members as part of the lease. They recommend requiring that the City representatives sit on the CCA Board's Executive Committee and be permitted to attend all executive sessions. (LB) *Response:* Executive sessions are pretty rare. They are typically about personnel, contracts, or legal matters and all board members are currently in attendance for executive sessions.
- Is there an Executive Committee? (LB) *Answer:* Yes, it is comprised of the officers of the Board. They meet in between the CCA meetings to set the agenda. All Board members are welcome to attend Executive Committee meetings.
- Of the current members of the Board of Directors, how many have to drive to get here and get to have that experience? (OSBT) *Answer:* Approximately 5 must drive here.

Use of Facilities (Paragraph 5, page 4)

- The current lease requires that CCA give the facilities "the widest practicable use in terms of scope and time."
- The Committee replaced this with language intended to reflect a more contemporary view of the CCA's role:
    - CCA is no longer expected to maximize use.
    - It incorporates preservation into CCA's responsibilities.
    - It incorporates the City's sustainability goals.
    - It requires sensitivity to the impacts on the surrounding residential neighborhoods.
    - It recognizes that CCA needs to generate sufficient revenue to meet its responsibilities without City subsidy.

Board Questions/Comments

- There is a conflict between community sustainability goals and sensitivities to surrounding neighborhoods. Neighborhoods are serving as overflow parking. It seems like CCA is going to add more parking so as to not impact the people in the surrounding neighborhoods. Providing and maintaining more parking is not in line with City sustainability goals. (TAB) *Response:* There is no proposal for more parking at Chautauqua. CCA and cottagers support getting people out of cars regardless of where they are going.
- Some members of the Landmarks Board are concerned that not requiring CCA to maximize the use of Chautauqua could create exclusivity and elitism, with movement away from the educational goals of Chautauqua. (LB)
- It may be good to add "and Open Space lands" after "…and with sensitivities to impacts to neighborhoods." (OSBT)
- If parking continues to be congested, people will be discouraged to come to Chautauqua, which undermines the Guiding Principle stressing that Chautauqua is a public space. (TAB)
- If too much attention is given to impacts to neighborhoods, it may result in a significant decrease in the range of public activities at Chautauqua, which would be an undesirable outcome. (LB)

Traffic Control and Parking (Paragraph 6, page 5)

- The title of this section was changed to "Access and Parking."

- The Committee believes the lease is not the appropriate means to address traffic control and parking at Chautauqua. This is a broader issue requiring a broader community conversation.
- The lease provides for a Chautauqua Access Management Plan (CAMP) to be developed by next year and then periodically updated.
- City Council recommended a more balanced set of principles to guide these discussions.
- The Committee amended the principles accordingly.

Board Questions/Comments

- Parking can really change the character of Chautauqua. The Landmarks Board recommends adding language to ensure that parking changes do not alter the historical spirit of Chautauqua (LB).
- This is very aspirational, but it defers action on parking until later. It is important to remember that this is the most important trailhead and iconic hike in Boulder. Open Space and Mountain Parks (OSMP) tends not to make trailhead parking smaller or bigger than it currently is. It would be difficult for OSMP to have parking available to Open Space visitors decreased. Having safe access and flowing traffic for Open Space visitors is of equal priority to parking for people who live in the area. (OSBT)
- The bus parking along Kinickinick should be maintained, because school bus parking is important for educational efforts on Open Space property. It would be good to add a provision that maintains this for the future. (OSBT)
- There is a provision that mentions pedestrians having priority in narrow streets. It would be good to add a provision that is consistent with the idea of using low-speed geometries (e.g., tight turns) to ensure that cars go slowly for safety. (TAB)
- "Public access should not be unreasonably restricted" is something that people could use to argue against paid parking at Chautauqua. (TAB)
- Parking at Chautauqua is an important issue. The time commitment outlined in the lease for completing this work should be honored. (PRAB)

Permitting (Paragraph 11, page 8)

- This paragraph required that CCA and the City agree on a process for permitting activities in the park and required an annual meeting. In fact, staff meets with CCA regularly and much more frequently than annually.
- In addition, the paragraph did not address Open Space.
- Accordingly, the paragraph has been renamed "Coordination" and eliminates the annual review provision.

Board Questions/Comments: None

Limitations on Subleases (Paragraph 14, page 9)

- The current lease devotes several pages to limitations on the ability of private cottage owners to sell their cottages.
- CCA and cottage owners are in the process of negotiating the sublease provisions.
- The Committee decided it would be best to incorporate the sublease into the lease by reference.
- One of the important changes in the sublease negotiations is that cottage owners were previously not allowed to use a bonafide offer to value their property when selling it to CCA. This has been removed in the new lease, and a different price-setting mechanism has been established in the sublease.

- There is a new paragraph that requires CCA to assess the cottage owners for a portion of CCA's contribution to major utility renovations. (Note: This paragraph was removed by the Lease Committee. The Committee agreed that the increased cottage owner rent would be applied to capital improvements, so this language was no longer necessary.)

Board Questions/Comments

- Is there any point addressing the short-term rental issue in the lease? (LB) *Answer:* CCA has rules and regulations for subleases that the Board is reviewing and updating. This issue will be addressed in these rules and regulations. The Board will likely ban short-term rentals at Chautauqua.

Privately-owned Cottages (New, Paragraph 14, page 13)

- This new paragraph recognizes the importance of private-cottage ownership at Chautauqua.
- The paragraph requires CCA to lease land to cottage owners, and it sets certain limits on CCA's ability to acquire additional cottages. CCA will only acquire new cottages if the acquisition meets strategic guidelines established by the Board of Directors. CCA has written down the previously-implicit guidelines to inform their cottage-buying strategy. They have only purchased one cottage in 20 years. They have turned down 5 or 6. CCA is committing that the number of CCA-owned cottages will not change much from what it is right now. CCA is committed to a continuity of culture at Chautauqua.
- The Lease Committee agreed to maintain the current practice of increasing rents only to cover increased costs through inflation. However, City Council recommended that cottage owners pay more in rent. The cottage owners and CCA have come to an agreement on increased rent (2.5 times the current rent), with the increased amount going to fund major capital improvements.

Board Questions/Comments: None

Miscellaneous

- The lease can be terminated immediately based on any breach.
- The Committee recommended removing the word “immediately” and allowing an opportunity for CCA or the City to fix the problem.

Board Questions/Comments: None

Amendments

- There was no provision in the existing contract for an amendment of the lease.
- This paragraph provides a process for amendment.

Board Questions/Comments: None

<u>Additional Comments from Board Members</u>

- It seems like things are working pretty well with CCA in this relationship. The City has enjoyed and continues to enjoy a public-private partnership, and we share in many of the great collaborations to ensure that the public still has access to what Chautauqua has to offer. Parks and Recreation has not had any issues regarding permitting, and so far the collaborative relationship has been a good one. CCA, Parks and Recreation, and

OSMP all work together to ensure that everything we do makes sense. The facilities manager at Chautauqua is awesome and has helped us a lot. (PRAB)

- Are there Chautauquas like this in other places in the nation? Can we learn from them? (TAB) *Answer:* There are a dozen places that still call themselves Chautauquas, and none of them are municipally-owned. Some are religiously-owned. This is the only year-round and ungated Chautauqua. There is a place in Seattle that is a bit similar.
- What are the laws that guide Chautauqua? There were a lot of questions about how the City ordinances apply. (OSBT) *Answer:* CCA is subject to all City ordinances and codes, as are all cottage owners.
- The Landmarks Board talked about ordinances as well. It was not clear that CCA would have to comply with all ordinances, and the Board recommends adding language to this effect to the lease. (LB)

Additional Comments from the Lease Committee

Several members of the Lease Committee thanked the other board members for coming to this meeting and sharing their perspectives. The Committee will consider all the comments heard and share them with City Council. It appeared to some Committee members that the comments from the assembled board members suggested that the Committee is headed in the right direction.

Next Steps

- The Lease Committee will meet following adjournment of this meeting.
- The Committee may have to schedule another meeting before the lease goes to City Council for review and approval.
- Tom Carr will present the lease to PRAB at their September 28th meeting. (There is some question about whether the leasehold area is a park. If it is, PRAB needs to approve the lease. Council has determined the leasehold area is not a park, but Mr. Carr will present it to PRAB as a precautionary measure.)
- City Council will review the lease on October 6th.

LEASE COMMITTEE MEETING

Attendance

Committee Members: Susan Connelly, George Karakehian, Tim Plass, Deb van den Honert, Bob Yates
City Staff: Tom Carr, Mike Sweeney, Deryn Wagner
Facilitation: Heather Bergman, Katie Waller
Observers: There were 12 observers present, including Chautauqua residents and interested citizens.

Public Comment

Terry Thomas

- Is it correct to assume that cottage owners' rent will go up, but that they will not be subject to assessments?
- *Answer: New r*ent, as proposed by the Committee, will be 2.5 times the old rent. The Committee intends for there to be no additional assessments on cottagers, but that depends on what City Council decides.

Michael McCarthy

- I am a neighbor of Chautauqua and a member of a new organization called Sustainable Chautauqua.
- I recognize that parking issue has been taken out of the lease discussion for the time being. Nevertheless, it is important to know that two months ago, neighbors signed a request for a permitted parking zone in Chautauqua.
- This place is being loved to death. There are chronic issues of overuse. Our driveways are being blocked, and there is lots of conflict. We have an unsafe situation.
- I have lived in this neighborhood for 40 years. Something demographic dramatically changed 3-5 years ago. I think the demographic change is not growth in Boulder, but the whole Front Range. The pressure on OSMP and Chautauqua is from members of the entire Front Range. That requires being more proactive.
- *Question from the Committee:* Is it your sense that this impact has changed during daylight hiking hours or on concert nights? *Answer:* Anecdotally, it is during daylight hours for hiking. Concerts have been going on for a long time. We are used to the concert usage. OSMP is drawing excessive use.
- *Comment from the public:* It isn't concerts. The problem is parking for daycare vans and hikers visiting Open Space. Maybe there are lessons in what has been tried on Flagstaff.
- *Comment from the Committee:* Addressing parking the CAMP process is better than doing this through the lease. You are not the only one who feels strongly that this needs to be addressed.

Katherine Barth

- There is no public transportation to the Chautauqua area. There used to be a bus that came up here, the 105. Before that, there was a streetcar. Chautauqua is designed for public transportation.
- I keep hearing that we can't have a bus, but people would take the bus if they could.
- People will park if there are no other options.
- *Comment from the Committee:* The discussion about public transportation is an important one. The CAMP discussion should also include talking about dogs on public transportation, since hikers like to bring their dogs to Chautauqua.

Leslie Pizzi

- There are lots of beautiful OSMP spaces. There are lots of OSMP parks that have parking lots that fill up, and when they are full, they are full and people adapt. OSMP does not discuss more parking access in these places.
- Chautauqua is the biggest and most loved OSMP park, and it has unlimited parking. It has the parking lot and neighborhood parking. When we talk about overuse, Chautauqua is more impacted because of free parking. This problem must be addressed with a solution that is specific to Chautauqua.

Kris Woyna

- I have been here since the 1980s. There used to only be 1.5 staff members at CCA. That worked because in the winter time it was CU and faculty housing. In the summer it was long-term rental to WWII veterans. It was such a great time, and the students and professors came back and there was lots of volunteer work.
- The thing to remember is that Chautauqua is a gathering of people. Not a park. Not the facilities. There has been gentrification. This is a place that needs to stay low-key, and we can't raise the rents a ton because we will lose the regular people who live here.

Committee Discussion on Comments Raised by Board Members
The Committee discussed the comments received on each of the topics highlighted by Mr. Carr in his presentation (see above).

Term
The Committee reiterated its support for the hybrid approach it has taken to the term of the lease. The group discussed whether it would be worth having CCA make the argument to City Council for a simple 30-year lease and determined that this would likely delay the completion of the negotiations and was not likely to succeed.

Rent
The Committee determined that because City Council did not raise concerns about the benefits cottagers receive and whether they are in proportion to CCA's rent, they did not need to discuss this issue further.

Responsibilities
The Committee agreed to add language to the Guiding Principles to stress the commitment to adhering to the City's historic preservation requirements, though some members of the Committee did not think it was necessary and others questioned whether calling out a specific law that would be followed was wise. Mr. Carr will add language appropriate language stating the CCA will adhere to all laws, including but not limited to current historic preservation requirements on Page 3, Section 3.

Bylaws and Articles of Incorporation
Some members of the Committee expressed frustration and disappointment that City Council would like to increase the City's representation on the CCA Board of Directors. Since CCA works hard to collaborate with the City and other partners and believes it has done a good job honoring all commitments and the spirit of Chautauqua, such a change feels unwarranted. CCA will hold an election to change the City's representation if Council requires it, but they would like to stress the difference between the quality and quantity of City representation. By requiring that one City representative be a member of Council, the City will improve the quality of Council's participation in and awareness of the management at Chautauqua. This is an important and substantial change. Additionally, it is unclear if Council simply wants more City representatives on the Board or if they want to increase their amount relative to non-City representatives. Some members of the Committee stated their concern that increasing the number of City representatives on the Board could also lead to a politicization of those Board seats, which would change and possibly compromise the governance of Chautauqua.

Several members of the Committee wanted to leave the current language in the lease, without adding language about trying to increase the number of City representatives on the Board. One person stated that this would be different from how the Committee has treated other topics that Council indicated a need for change or additional work. Not addressing this issue as the Committee has the other issues raised by Council may not start the Council lease review off on the right foot. One member stated a belief that some members of the community do not trust CCA and are contacting Council members. Council is trying to address this concern in a way that does not undermine the overall intent or direction of the lease.

The Committee agreed that they should raise this question again with Council prior to the lease review on October 6th. Mr. Carr will bring this up during "Matters from the City Attorney" at the September 15th City Council meeting. He will speak to all of the areas in which Council indicated that additional work was needed and explain how the Committee4 has addressed Council's

concerns. Regarding the change in City representation, Mr. Carr will explain the Committee's struggle to resolve this issue in a way that is satisfactory for all members and see if there is additional direction forthcoming from Council.

Use of Facilities
The Committee reiterated that there is no effort or proposal to increase parking at Chautauqua and agreed that all of the issues raised regarding parking during this section of the presentation should be addressed during the CAMP process.

Traffic Control and Parking
As with the parking issues raised during the discussion of the use of facilities, the Committee agreed that the concerns about parking that emerged during from the boards and the public comment should be addressed in the CAMP process. The specific concerns about the impact of parking on the historic nature of Chautauqua can be further addressed in the CAMP guiding principles.

Limitation on Subleases
The Committee affirmed that the CCA Board should address short-term rentals in the sublease rules and regulations that will be approved by the Board on October 5th. The Committee agreed that this is the proper way to incorporate this issue as it would be unusual to raise such a topic in the master lease agreement with the City.

Privately-Owned Cottages
Several members of the Committee stated that it was interesting that there were not many negative comments about rent in the meeting with the boards. The perception appears to be that the increase included in the lease is viewed as a meaningful increase that will make a difference. One member of the Committee stated that some people commented to him at the break after the meeting with the boards that they were surprised that cottage rent was increasing so much.

A member of the Committee asked how the issue of financial hardship was being addressed. Mr. Carr reminded the Committee that there is language about this in the master lease on Page 14. CCA said that they will address this on a case-by-case basis.

<u>Additional Comments</u>

- Ms. van den Honert stated that she has drafted a letter to City Council to explain why the increased rent amount is reasonable. Several members of the Committee had read the letter and thought it contained good information. One stated it was a good companion letter to the one that CCA sent to Council. Some stated they were not sure whether sending the letter to Council would be advantageous. Ms. van den Honert will determine whether and how to distribute it to Council.
- Ms. Connelly asked whether the Committee wanted to adjust the language in the lease regarding how the cottage rents would be applied. The current language states that the rents will go to capital improvements, but if that was changed to capital improvements and maintenance, it would increase the amount of money CCA could use to leverage additional funding from the Scientific and Cultural Facilities District (SCFD) without impacting the intended allocation of those resources to capital improvements. Some members of the Committee expressed concern about this proposal, and the Committee agreed to leave the current language intact.

CITY OF BOULDER
CITY COUNCIL AGENDA ITEM

MEETING DATE: October 6, 2015

AGENDA TITLE
Second reading and consideration of a motion to adopt the following ordinances related to the annexation and initial zoning of the properties identified as 1385 Cherryvale Rd., 1548 Old Tale Rd. and 5955 Baseline Rd.:

a. Ordinance No. 8079 (West Portion of 1385 Cherryvale Rd.)
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Mark and Tara Burkley

b. **Ordinance No. 8078 (East Portion of 1385 Cherryvale Rd.)**
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Mark and Tara Burkley

c. Ordinance No. 8076 (1548 Old Tale Rd.)
Proposed Zoning: Residential-Rural 2
Applicant/Owner: Porsche Elaine Young Revocable Trust

d. Ordinance No. 8077 (5955 Baseline Rd.)
Proposed Zoning: Residential-Rural 1
Applicant/Owner: Patton and Claire Lochridge

PRESENTER/S
Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing & Sustainability
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Chris Meschuk, Flood Recovery Coordinator – Community Services
Bev Johnson, Annexation Project Manager

EXECUTIVE SUMMARY

The purpose of this item is for City Council to consider the second reading and adoption of four ordinances (**Attachment A**) relating to the annexation and initial zoning of the following three properties. The property owners of 1385 Cherryvale Road are seeking a series annexation of their property by two separate ordinances to establish 1/6 contiguity for each portion:

Location:	West Portion of **1385 Cherryvale Rd. (LUR 2015-00061)**
Size of Tract:	10,900 sq. ft (0.25 acre)
Zoning:	Boulder County Rural Residential and proposed city designation of Residential-Rural 1 (RR-1)
BVCP:	Very Low Density Residential/Open Space – Other

Location:	East Portion of **1385 Cherryvale Rd. (LUR 2015-00061)**
Size of Tract:	35,663 sq. ft (0.819 acre)
Zoning:	Boulder County Rural Residential and proposed city designation of Residential-Rural 1 (RR-1)
BVCP:	Very Low Density Residential/Open Space – Other

Location:	**1548 Old Tale Rd. (LUR2015-00062)**
Size of Tract:	30,647 sq. ft. (0.69 acre)
Zoning:	Boulder County Rural Residential and proposed city designation of Residential-Rural 2 (RR-2)
BVCP:	Very Low Density Residential/Open Space - Other

Location:	**5955 Baseline Rd. (LUR2015-00067)**
Size of Tract:	28,000 sq. ft. (0.64 acre)
Zoning:	Boulder County Rural Residential and proposed city designation of Residential–Rural 1 (RR-1)
BVCP:	Very Low Density Residential

On Sept. 1, 2015, City Council approved first reading of the draft ordinances. The purpose of the Oct. 6, 2015 hearing is to determine whether the proposed annexations comply with state law and other annexation requirements. Staff finds that the annexations are consistent with state law and the requested zoning for the subject properties is consistent with city policies and with the zoning of neighboring city lots surrounding the properties.

The ordinances to annex the properties are provided in **Attachment A.** The petitions are in **Attachment B**. The annexation maps are in **Attachment C** and the conditions of annexation are set forth in the Annexation Agreements in **Attachment D.**

The properties in this group (see general location below) are all located in the South Boulder Creek floodplain and were impacted to varying degrees by the September 2013 floods. The purpose of the annexations is to allow the property owners to connect their homes to city water and/or wastewater services.

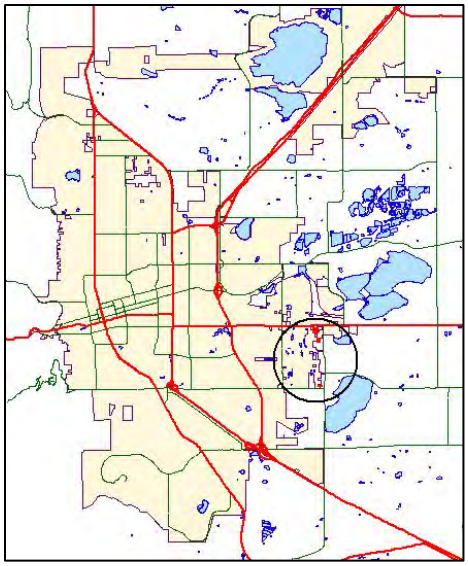


Figure 1: General Location of Subject Properties

The portion of the property at 1385 Cherryvale Rd. identified in Ordinance 8079 (**Attachment A**) was able to obtain 1/6 contiguity to the city limits as a result of the Old Tale Road annexation. The remainder of the property at 1385 Cherryvale Rd. identified in Ordinance 8078 (**Attachment A**) will be able to establish 1/6 contiguity to the city limits only if the portion of the property in Ordinance 8079 is annexed first.

The property at 1548 Old Tale Rd. did not participate in the neighborhood annexation earlier this year, and has now chosen to annex. The property at 5955 Baseline Rd. is annexing due to the extension of utility mains by the city through flood recovery grant funds from the Colorado Department of Health & Environment (CDPHE).

The properties range from approximately 0.7 to 1.14 acres in size and are each developed with a single family detached home. Upon annexation, none of those properties will have the potential to subdivide or add additional units based on the existing Boulder Valley Comprehensive Plan (BVCP) land use designation and proposed zoning designation.

Staff finds that the requested zoning for the subject properties is consistent with city policies and with the zoning of neighboring city lots surrounding the properties.

On August 20, 2015, Planning Board voted unanimously (6-0, Motion by L. Payton, J. Putnam seconded, C. Gray absent) to recommend approval of the proposed Annexation and Initial Zoning applications. The staff memorandum to Planning Board and the audio of the proceedings related to the Planning Board's review are available on the city website at the following link: **https://bouldercolorado.gov/boards-commissions/planning-board**

Key Issue Identification

1. Annexation: Is the proposal consistent with Colorado State Statutes on Annexation, as well as city BVCP policies?

2. Initial Zoning: Is the proposed zoning, pursuant to land use code subsection 9-5-2(c)(1)(A), B.R.C. 1981, appropriate as the initial zoning of the subject properties?

STAFF RECOMMENDATION

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

Suggested Motion Language:
Motion to adopt four ordinances to annex the areas with initial zoning designations pursuant to land use code subsection 9-5-2(c)(1)(A), B.R.C. 1981 generally described below:

a. *Ord. No. 8079, A 0.25 acre portion of land generally located on the west portion of 1385 Cherryvale Rd. with an initial zoning classification of Residential-Rural 1,*
b. *Ord. No 8078, A 0.819 acre portion of land generally located on the east portion of 1385 Cherryvale Rd. with an initial zoning classification of Residential-Rural 1, for which contiguity was established through Ord. No. 8079 which was adopted prior to Ord. No. 8078.*
c. *Ord. No 8076, A 0.69 acres of land generally located at 1548 Old Tale Rd. with an initial zoning classification of Residential-Rural 2, and*
d. *Ord. No 8077, A 0.64 acres of land generally located at 5955 Baseline Rd. with an initial zoning classification of Residential-Rural 1.*

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: It is in the interest of the city to annex properties in county enclaves and along the edge of the city to improve efficiency in city service provision.
- Environmental: There are environmental benefits of having properties connected to city water and sewer, specifically, the avoidance of the potential environmental and public health impacts of failed septic systems and contaminated wells.
- Social: The provision of safe and reliable public water and sewer is a benefit to every community member and the general public.

OTHER IMPACTS

- Fiscal: City services either are existing or will be made available to these properties upon annexation. City property taxes will be paid once the properties are annexed. Landowners of two properties will finance payment of city utility connection fees through a 10-year payment plan offered by the city.
- Staff time: The annexation application has been processed through a special offer to landowners where the administrative fees were waived ($6,580 per property). General fund revenues have been allocated to provide the staff time to process the applications.

BOARD AND COMMISSION FEEDBACK

Annexations are subject to a city Planning Board recommendation prior to City Council action. The Planning Board hearing was held on Aug. 20, 2015. On a motion by **L. Payton**, seconded by **J. Putnam**, the Planning Board voted 6-0 (**C. Gray** absent) to recommend to City Council approval of the proposed annexations subject to the annexation conditions in the respective annexation agreements attached to the staff memorandum with initial zoning of RR-1 and RR-2 as specifically proposed for each property in the staff memo.

PUBLIC FEEDBACK

All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Compliance with these requirements included public notice in the form of written notification mailed to all property owners within 600 feet of the subject properties, and a sign posted on the properties for at least 10 days prior to the public hearing as required. No public feedback was received.

BACKGROUND

After the September 2013 floods, several homeowners in Boulder County contacted city staff about the possibility of annexing to the city in order to hook up to city water and wastewater services. Many homeowners outside the city, especially in enclave areas, experienced damage to their wells or septic systems. As part of the Dec. 3, 2013 City Council briefing on the flood, staff presented options for helping impacted residents by facilitating annexation and connection to city utilities. Council members expressed support for helping flood-impacted landowners by creating incentives for annexation and also indicated that landowners should pay their share of costs. The detailed package of incentives was presented to council through an information packet in March 2014 and offered it to approximately 160 property owners in enclave areas and in the Old Tale Road and Cherryvale Road neighborhoods.

Annexation offers benefits to many homeowners, particularly the opportunity to connect to city water and/or wastewater services. Annexation, however, can be costly to property owners, therefore, the city offered to waive some costs of annexation including the annexation administration fee ($6,580 per household) and any applicable excise taxes. In addition to fee and tax waivers, the city offered to finance most of the costs related to water and wastewater utility connection. Residents choosing to annex under this offer have three options:

A. Connect to city utilities shortly upon annexation and pay the city back in full;
B. Connect to city utilities shortly upon annexation and finance all or part of the connection costs through the city; or
C. Annex now and defer connection and payment to some future time (redevelopment or sale of home).

Twenty-seven properties have been annexed under the package offered by the city. Two properties were annexed by emergency ordinance in August 2014 because of the condition of

their well and septic systems. Five properties were annexed by City Council on Jan. 20, 2015. The remaining properties were annexed as part of the Old Tale Road neighborhood annexation.

In August 2014, the city received a grant from the Colorado Department of Public Health and Environment (CDPHE) for $1,000,000 to construct water and sewer infrastructure in one of three neighborhoods (Githens Acres, Old Tale Road or Cherryvale Road) which currently lack complete utility infrastructure. The grant funds were authorized by the state legislature (House Bill 1002) to assist communities in recovering from the September 2013 flood. Property owners in three neighborhoods (Githens Acres, Old Tale Road, Cherryvale/Baseline) lacking adequate infrastructure were sent letters informing them of the grant award and the potential cost savings for annexation. The letter to homeowners included a survey to determine how many property owners would be interested in annexing if the cost was reduced due to the new grant funding. Based on the survey results, the Old Tale Road neighborhood was selected for the annexation project and 20 out of 28 properties along that road were annexed on April 21, 2015.

When property owners were initially surveyed in 2014, those along Baseline Road also expressed strong interest in annexing and connecting to city services. Consequently, with the remaining grant funds, city staff is planning to complete the construction of water and sewer mains along Baseline Road using the grant funds remaining after the construction of the Old Tale Road water main.

Staff is bringing the three residential properties forward at this time for annexation so that the properties may be connected to city utility services. All of the residential properties were impacted by the September 2013 floods to varying degrees and wish to connect to available city utilities.

ANALYSIS

1. Existing Conditions

a. 1385 Cherryvale Rd.

This 1.14 acre property is located along the east edge of the city adjacent to the Old Tale Road neighborhood (which was annexed in April 2015). The property owner wishes to annex in order to connect to city water and sewer services, which are currently available along this portion of Cherryvale Road.

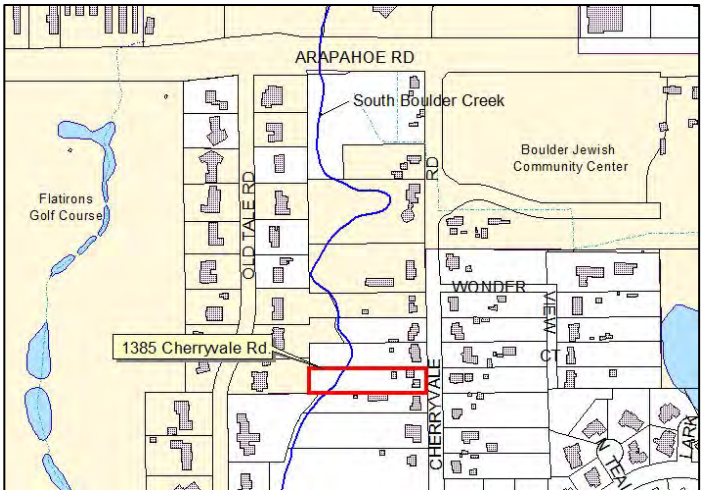


Figure 2: Location of 1385 Cherryvale Rd. (property boundary in red)

The city's flood high hazard and conveyance zones cover nearly 2/3 of the property and limit the buildable area to the eastern portion of the site. The property owner has agreed to dedicate a flood maintenance easement over the conveyance zone.

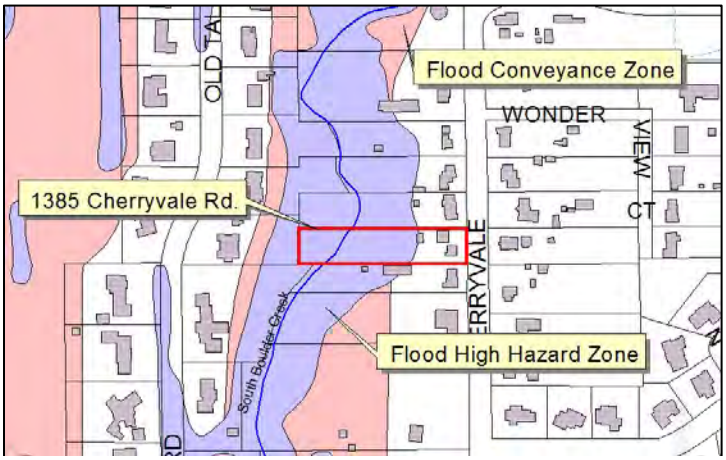


Figure 3: 1385 Cherryvale Rd. – Flood Zone Designations

The proposed zoning for the property is Residential – Rural 1, which is consistent with the BVCP land use designation of Very Low Residential. The zoning and the flood zone designations prevent subdivision of the property, therefore the property has no further development potential.

b. 1548 Old Tale Rd.

This 0.69 acre property is located in the Old Tale Road neighborhood. The property owner declined annexation when the neighborhood was annexed earlier this year but has decided to move forward with annexation at this time in order to connect to city utilities.

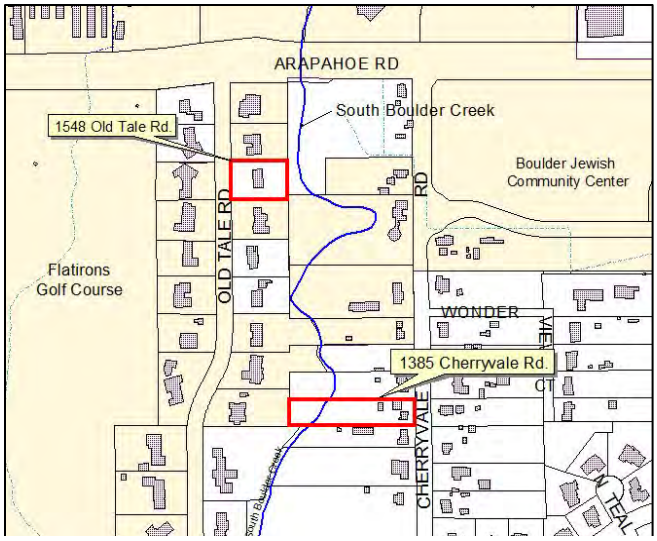


Figure 4: Location of 1548 Old Tale Rd.

The city's conveyance zone covers approximately 1/3 of the property and limits the buildable area to the western portion of the site. The property owner has agreed to dedicate a flood maintenance easement over the portion of the property that is within 60 ft. of the centerline of South Boulder Creek (consistent with the flood easement dedications on previously annexed Old Tale Road properties). This annexation is consistent with the conditions that the rest of the neighborhood annexed with, except that water and sewer connection costs and plant investment fees will be assessed at the rates at the time of connection, rather than locking into 2014 rates as the city did with the rest of the neighborhood which was a one-time offer by the city.

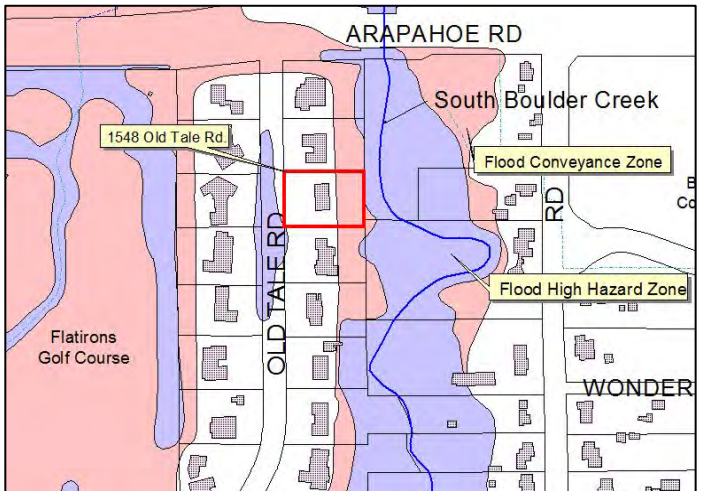


Figure 5: 1548 Old Tale Rd. – Flood Zone Designation

The proposed zoning for the property is Residential – Rural 2, which is consistent with the BVCP land use designation of Very Low Residential and with the adopted zoning for other properties along Old Tale Road. The zoning and the flood zone designations prevent subdivision of the property, therefore the property has no further development potential.

c. 5955 Baseline Rd.

This is a 0.64 acre property located near the corner of Cherryvale and Baseline roads on the eastern edge of the city.

In August 2014, the city received $1,000,000 in state grant funds for the installation of utility infrastructure in Area II flood-impacted neighborhoods. When surveyed, landowners along Old Tale Road expressed the most interest in annexing, and received the majority of the grant funds for installation of a water line. Properties along Baseline Road had the second highest level of interest, and based on the construction contract awarded, the remaining grant funds will be used to construct water and sewer mains along Baseline Road to facilitate utility access to this property.

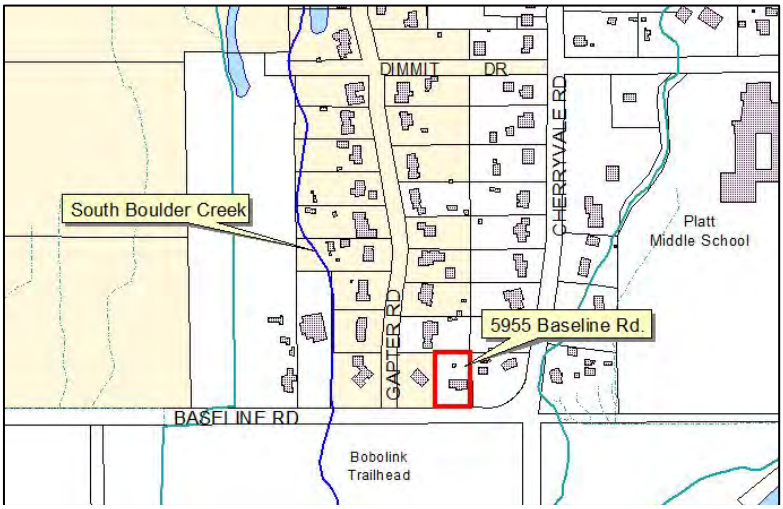


Figure 6: Location of 5955 Baseline Rd.

The city's flood conveyance zone covers a small portion of the southwest corner of the property. A flood maintenance easement is not necessary on this site.

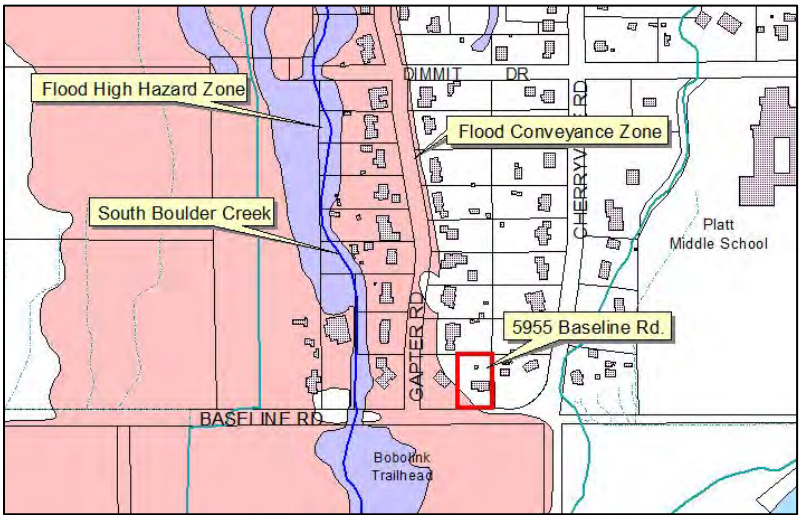


Figure 7: 5955 Baseline Rd. – Location of Flood Zones

The proposed zoning for the property is Residential–Rural 1, which is consistent with the BVCP land use designation of Very Low Residential. The zoning limits use of the property to one dwelling unit, therefore the property has no further development potential.

2. **Key Issues:**

a. **Is the proposed annexation consistent with state statutes pertaining to the annexation of a property into the City of Boulder?**
Annexations must comply with the Municipal Annexation Act of 1965, section 31-12-101, *et. seq.*, C.R.S. Staff has reviewed the annexation petitions for compliance with section 31-12-104, section 31-12-105, 31-12-106, and 31-12-107 C.R.S., as applicable, and finds the applications are each consistent with the statutory requirements.

All three properties are developed with a single residential dwelling unit.

1548 Old Tale Rd. is part of an enclave since it is completely within the boundaries of the city. This property also has at least 1/6 contiguity with the city limits

Two properties (1385 Cherryvale Rd. and 5955 Baseline Rd.) are developed with a single family residential dwelling unit but are not part of an enclave. The proposed annexations meet the eligibility requirement of having at least 1/6 contiguity with the city limits.

The property at 1385 Cherryvale Rd. has some contiguity to city limits. The property owners are seeking a series annexation of their property by approval of two separate ordinances. The first ordinance would first annex a portion of the property that can currently meet the 1/6 continuity to city limits requirement. Approval of the first ordinance would establish the new municipal limits and create at least 1/6 contiguity to city limits for the remainder of the property. Annexation of the remainder of the property would then be approved in a second ordinance. It is common practice to break an annexation into separate areas in order to meet the requirements for 1/6 continuity. Colorado Appellate Law supports the validity of such annexations.

All the property owners filed an annexation petition and each such petition was filed with the City Clerk. There is a community interest in annexation of each property proposed for annexation and the City of Boulder. None of the properties proposed to be annexed are included in another annexation proceeding involving a municipality other than the City of Boulder.

Water and sewer services are available to serve one property at this time (1385 Cherryvale Rd.). Sewer service is available to serve 1548 Old Tale Rd. and water service will be made available later this year after the construction of a water main in Old Tale Road. 5955 Baseline Rd. is annexing to obtain both utility services upon completion of utility mains in Baseline Road with the use of state grant money.

Two of the subject properties are in the Northern Colorado Water Conservancy District (NCWCD). However, only one property is in the municipal subdistrict. Petitions for

inclusion in the district and subdistrict were filed with the NCWCD office prior to the City Council first reading of the annexation ordinances.

The subject properties would continue to be served by the Boulder Valley School District.

Finally, these annexations do not have the effect of extending the municipal boundary more than three miles in any direction from any point of the City of Boulder's boundary in any one year.

b. Is the proposed annexation consistent with the Boulder Valley Comprehensive Plan?

Land Use Designation. The proposed zoning on all the properties is consistent with the BVCP land use designations (see page 2 for proposed zoning and current land use designations).

BVCP Policies
Annexation of land must be consistent with the following policies shown in ***bold italic***, with consistency of the proposed annexation following:

1.18 Growth Requirements. The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.

The community, environmental, and public health quality will be enhanced with the annexation of these properties, with the requirement for use of city water and sewer services and to eliminate the potential for failing septic systems on residential properties. Annexation of these properties will not result in additional development as all properties are substantially developed.

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

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

Annexation will be required before any additional city services will be furnished to these properties. City services will be available to all three subject properties immediately or shortly upon annexation.

b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy.

These properties are either part of an existing county enclave or in fully developed Area II neighborhoods, thus annexation of the properties would further this policy.

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

The proposed zoning of all the properties will reflect the existing development pattern most appropriate for their respective neighborhoods. All three properties are substantially developed and the annexation will result in the properties being brought to city standards consistent with this policy.

Boulder County has been supportive and has encouraged these annexations as an effort to address public health and safety issues associated with well and septic systems.

ATTACHMENTS

A. Proposed Ordinances
B. Applicants Annexation Petitions
C. Annexation Agreements
D. Guidelines for Annexation Agreements

ORDINANCE NO. 8079

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.25 ACRES OF LAND GENERALLY LOCATED ON THE WEST PORTION OF 1385 CHERRYVALE ROAD, WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL - RURAL 1 (RR-1) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

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

A. Mark Burkley and Tara Burkley are the owners of the parcel which comprise the real property more particularly described in Exhibit A (the "Property"). This annexation is part of a serial annexation of the western and eastern portions of 1385 Cherryvale Road.

B. The owners of 100% of the area proposed for annexation, excluding streets and alleys, have petitioned for annexation of the Property with an initial zoning of Residential – Rural 1 (RR-1); the Property is not embraced within any city, city and county, or incorporated town; and that the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is capable of being integrated into the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

E. This annexation will not result in the detachment of the area from one school district and the attachment of same to another school district.

F. This annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing city boundaries.

G. The Property does not include any area which is the same or substantially the same area in which an election for the annexation to the City of Boulder was held within twelve months preceding the filing of the above petition.

H. All landowners have consented in writing to annexation of their land as part of a serial annexation, dividing their lands into two parts to achieve annexation of all their contiguously owned land at 1385 Cherryvale Road.

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

J. A public hearing on the proposed annexation and initial zoning of the Property annexed and zoned hereby was duly held before the City Council on October 6, 2015.

K. The initial zoning designation of Residential – Rural 1 (RR-1) for the Property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the Property and of the residents of the City of Boulder.

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

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

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

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

Section 3. The City Council adopts the recitals in this ordinance and incorporates them herein by this reference.

Section 4. The City Council approves any variations or modifications to the Boulder Revised Code or other City ordinances that are in the agreement associated with this annexation.

Section 5. The City Council authorizes the city manager to implement the terms of the agreements associated with this annexation.

Section 6. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A TO ORDINANCE

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

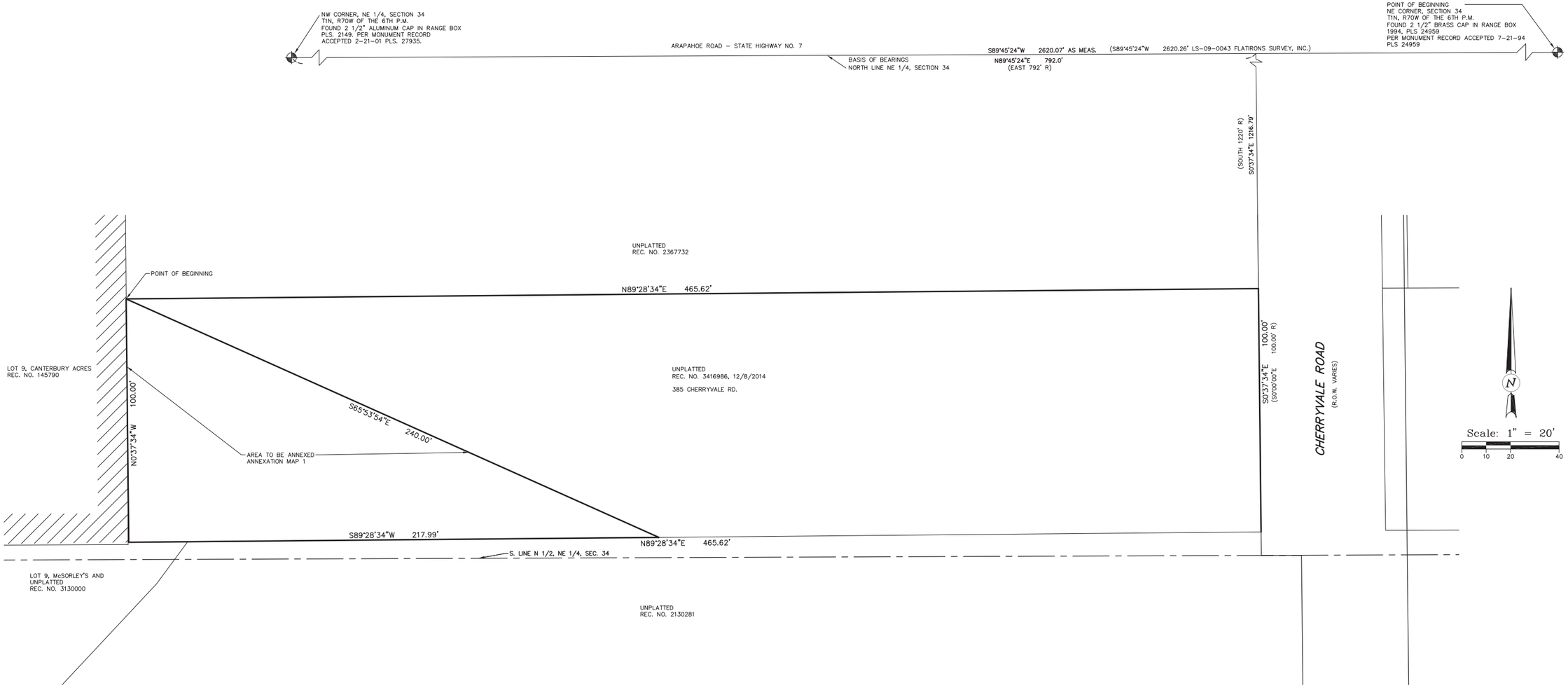
COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4, OF SAID SECTION 34, WHENCE THE NORTH LINE OF SAID NORTHEAST 1/4 BEARS N89°45'24"E, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°45'24"E ALONG SAID NORTH LINE A DISTANCE OF 792 FEET; THENCE S0°37'34"E A DISTANCE OF 1216.79 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT RECEPTION NO. 3416986, RECORDED 12/8/2014. THENCE S89°28'34"W ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 465.62 FEET TO THE POINT OF BEGINNING.

THENCE S65°53'54"E A DISTANCE OF 240.00 FEET TO THE SOUTH LINE OF SAID PARCEL;
THENCE S89°28'34"W ALONG SAID SOUTH LINE A DISTANCE OF 217.99 FEET;
THENCE N00°37'34"W ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10,900 SQUARE FEET OR 0.250 ACRES.

ANNEXATION MAP 1

1385 CHERRYVALE ROAD
LOCATED IN NE 1/4 SECTION 34, T1N, R70W OF THE 6TH P.M.
COUNTY OF BOULDER
STATE OF COLORADO



SURVEY NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO.
2. THIS ANNEXATION IS BASED ON AN IMPROVEMENT LOCATION CERTIFICATE PREPARED BY SCOTT, COX & ASSOCIATES, PROJECT NO. 14379A, DATED 7/31/14.
3. NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. CRS-13-80-105 (3)(a).

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4, OF SAID SECTION 34, WHENCE THE NORTH LINE OF SAID NORTHEAST 1/4 BEARS N89°45'24"E, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°45'24"E ALONG SAID NORTH LINE A DISTANCE OF 792 FEET; THENCE S0°37'34"E A DISTANCE OF 1216.79 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT RECEPTION NO. 3416986, RECORDED 12/8/2014. THENCE S89°28'34"W ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 465.62 FEET TO THE POINT OF BEGINNING.

THENCE S65°53'54"E A DISTANCE OF 240.00 FEET TO THE SOUTH LINE OF SAID PARCEL;
THENCE S89°28'34"W ALONG SAID SOUTH LINE A DISTANCE OF 217.99 FEET;
THENCE N00°37'34"W ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10,900 SQUARE FEET OR 0.250 ACRES.

LEGEND

⊕	PUBLIC LAND CORNER FOUND
(R)	RECORD COURSE PER LEGAL DESCRIPTION
(M)	MEASURED COURSE
▨	PROPERTY CONTIGUOUS TO EXISTING CITY OF BOULDER LIMITS

TOTAL PERIMETER OF AREA TO BE ANNEXED	=557.99 FEET
ONE SIXTH OF TOTAL PERIMETER	= 93.00 FEET
PERIMETER CONTIGUOUS TO EXISTING CITY LIMITS	=100.00 FEET

OWNER: MARK AND TARA BURKLEY
1385 CHERRYVALE ROAD
BOULDER, COLORADO 80303

SURVEYOR: SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO, AND THAT AT LEAST ON SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT CITY OF BOULDER, COLORADO.

COLORADO REGISTERED A. JOHN BURI 24302 PROFESSIONAL LAND SURVEYOR

A. JOHN BURI, PLS 24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.

SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 – 3051

Designed by AJB	Date	Scale	Drawing no.		Sheet
Drawn by JAS	08/26/15	1"=20'	14379A		1
Checked by AJB	Revision	Description		Date	Project no. 14379A

ORDINANCE NO. 8078

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.819 ACRES OF LAND GENERALLY LOCATED ON THE EAST PORTION OF 1385 CHERRYVALE ROAD, WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL - RURAL 1 (RR-1) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

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

A. Mark Burkley and Tara Burkley are the owners of the parcel which comprise the real property more particularly described in Exhibit A (the "Property"). This annexation is part of a serial annexation of the western and eastern portions of 1385 Cherryvale Road.

B. The owners of 100% of the area proposed for annexation, excluding streets and alleys, have petitioned for annexation of the Property with an initial zoning of Residential – Rural 1 (RR-1); the Property is not embraced within any city, city and county, or incorporated town; and that the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is capable of being integrated into the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

E. This annexation will not result in the detachment of the area from one school district and the attachment of same to another school district.

F. This annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing city boundaries.

G. The Property does not include any area which is the same or substantially the same area in which an election for the annexation to the City of Boulder was held within twelve months preceding the filing of the above petition.

H. All landowners have consented in writing to annexation of their land as part of a serial annexation, dividing their lands into two parts to achieve annexation of all their contiguously owned land at 1385 Cherryvale Road.

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

J. A public hearing on the proposed annexation and initial zoning of the Property annexed and zoned hereby was duly held before the City Council on October 6, 2015.

K. The initial zoning designation of Residential – Rural 1 (RR-1) for the Property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the Property and of the residents of the City of Boulder.

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

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

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

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

Section 3. The City Council adopts the recitals in this ordinance and incorporates them herein by this reference.

Section 4. The City Council approves any variations or modifications to the Boulder Revised Code or other City ordinances that are in the agreement associated with this annexation.

Section 5. The City Council authorizes the city manager to implement the terms of the agreements associated with this annexation.

Section 6. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A TO ORDINANCE – Page 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

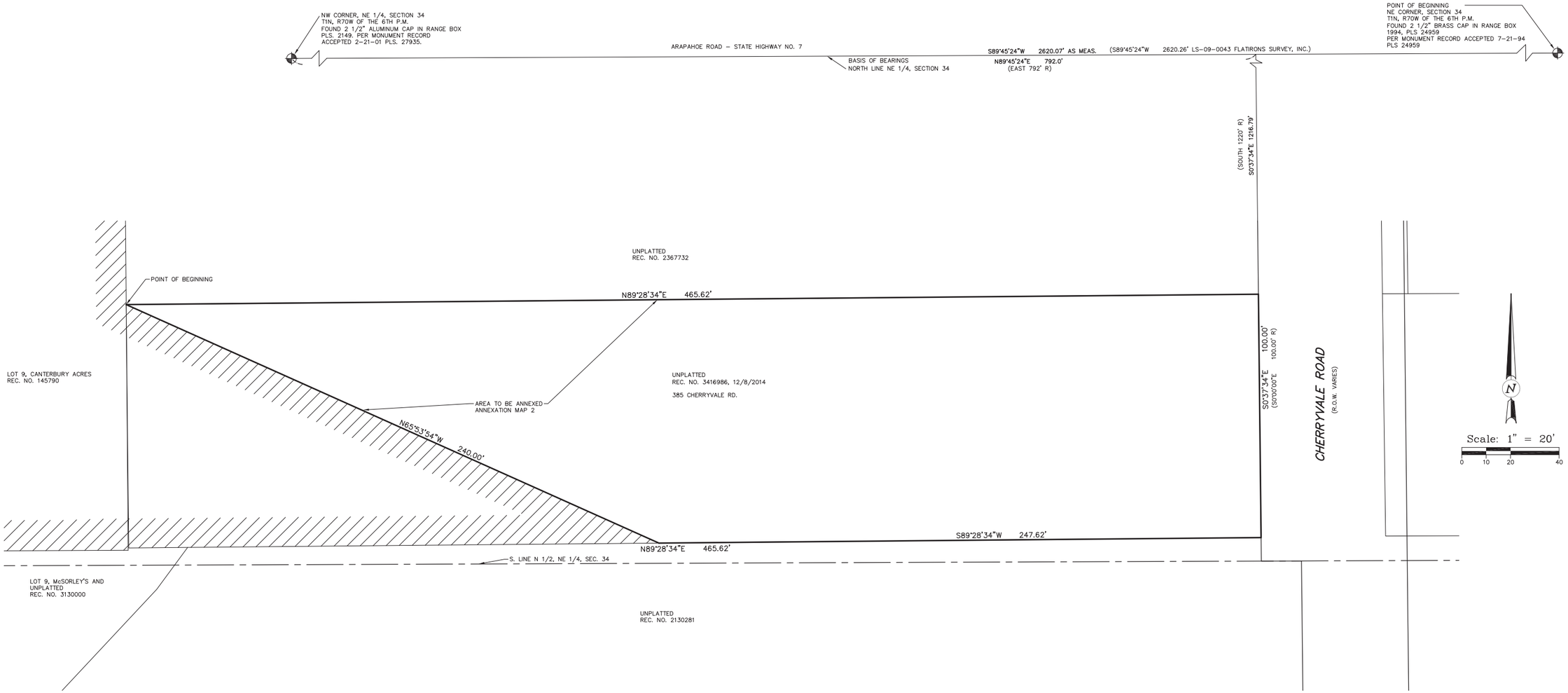
COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4, OF SAID SECTION 34, WHENCE THE NORTH LINE OF SAID NORTHEAST 1/4 BEARS N89°45'24"E, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°45'24"E ALONG SAID NORTH LINE A DISTANCE OF 792 FEET; THENCE S0°37'34"E A DISTANCE OF 1216.79 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT RECEPTION NO. 3416986, RECORDED 12/8/2014. THENCE S89°28'34"W ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 465.62 FEET TO THE POINT OF BEGINNING.

THENCE N89°28'34"E ALONG SAID NORTH LINE A DISTANCE OF 465.62 FEET TO THE EAST LINE OF SAID PARCEL;
THENCE S00°37'34"E ALONG SAID EAST LINE A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID PARCEL;
THENCE S89°28'34"W ALONG SAID SOUTH LINE A DISTANCE OF 247.62 FEET;
THENCE N65°53'54"W A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 35,663 SQUARE FEET OR 0.819 ACRES.

ANNEXATION MAP 2

1385 CHERRYVALE ROAD
LOCATED IN NE 1/4 SECTION 34, T1N, R70W OF THE 6TH P.M.
COUNTY OF BOULDER
STATE OF COLORADO



SURVEY NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO.
2. THIS ANNEXATION IS BASED ON AN IMPROVEMENT LOCATION CERTIFICATE PREPARED BY SCOTT, COX & ASSOCIATES, PROJECT NO. 14379A, DATED 7/31/14.
3. NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. CRS-13-80-105 (3)(a).

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, T1N, R70W OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4, OF SAID SECTION 34, WHENCE THE NORTH LINE OF SAID NORTHEAST 1/4 BEARS N89°45'24"E, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°45'24"E ALONG SAID NORTH LINE A DISTANCE OF 792 FEET; THENCE S0°37'34"E A DISTANCE OF 1216.79 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AT RECEPTION NO. 3416986, RECORDED 12/8/2014. THENCE S89°28'34"W ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 465.62 FEET TO THE POINT OF BEGINNING.

THENCE N89°28'34"E ALONG SAID NORTH LINE A DISTANCE OF 465.62 FEET TO THE EAST LINE OF SAID PARCEL;
THENCE S00°37'34"E ALONG SAID EAST LINE A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF SAID PARCEL;
THENCE S89°28'34"W ALONG SAID SOUTH LINE A DISTANCE OF 247.62 FEET;
THENCE N65°53'54"W A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 35,663 SQUARE FEET OR 0.819 ACRES.

LEGEND

⊕	PUBLIC LAND CORNER FOUND
(R)	RECORD COURSE PER LEGAL DESCRIPTION
(M)	MEASURED COURSE
▨	PROPERTY CONTIGUOUS TO EXISTING CITY OF BOULDER LIMITS

TOTAL PERIMETER OF AREA TO BE ANNEXED	=1,053.24 FEET
ONE SIXTH OF TOTAL PERIMETER	= 175.53 FEET
PERIMETER CONTIGUOUS TO EXISTING CITY LIMITS	= 240.00 FEET

OWNER: MARK AND TARA BURKLEY
1385 CHERRYVALE ROAD
BOULDER, COLORADO 80303

SURVEYOR: SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO, AND THAT AT LEAST ON SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT CITY OF BOULDER, COLORADO.

COLORADO REGISTERED A. JOHN BURI 24302 PROFESSIONAL LAND SURVEYOR

A. JOHN BURI, PLS 24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.

SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 – 3051

Designed by AJB	Date 08/26/15	Scale 1"=20'	Drawing no. 14379A		Sheet 2
Drawn by JAS	Revision	Description		Date	Project no. 14379A
Checked by AJB					

ORDINANCE NO. 8076

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.69 ACRES OF LAND GENERALLY LOCATED AT 1548 OLD TALE ROAD, WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL – RURAL 2 (RR-2) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

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

A. Porsche Elaine Young Revocable Trust dated August 7, 2006, a Colorado trust, is the owner of the parcel which comprises the real property more particularly described in Exhibit A (the "Property").

B. The owner of 100% of the area proposed for annexation, excluding streets and alleys, has petitioned for annexation of the Property with an initial zoning of Residential – Rural 2 (RR-2); the Property is not embraced within any city, city and county, or incorporated town; and that the Property abuts, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is integrated or capable of being integrated into the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

E. This annexation will not result in the detachment of the area from one school district and the attachment of same to another school district.

F. This annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing city boundaries.

G. The Property does not include any area which is the same or substantially the same area in which an election for the annexation to the City of Boulder was held within twelve months preceding the filing of the above petition.

H. The Planning Board duly proposed that the Property be annexed to the City of Boulder and that the zoning district map adopted by the City Council be amended to zone and include portions of the Property in the Residential – Rural 2 (RR-2) zoning district, as provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

I. A public hearing on the proposed annexation and initial zoning of the Property annexed and zoned hereby was duly held before the City Council on October 6, 2015.

J. The initial zoning designation of Residential – Rural 2 (RR-2) for the Property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the Property and of the residents of the City of Boulder.

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

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

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

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

Section 3. The City Council adopts the recitals in this ordinance and incorporates them herein by this reference.

Section 4. The City Council approves any variations or modifications to the Boulder Revised Code or other City ordinances that are in the agreement associated with this annexation.

Section 5. The City Council authorizes the city manager to implement the terms of the agreements associated with this annexation.

Section 6. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A TO ORDINANCE – Page 1 of 2

LEGAL DESCRIPTION

Lot 15, Canterbury Acres,
County of Boulder, State of Colorado.

ANNEXATION MAP

LOT 15, CANTERBURY ACRES SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 30,024 SQ FT, OR 0.69 ACRES, MORE OR LESS

Parcel Description

(PROVIDED BY DEED RECORDED ON 5/16/2011 AT REC. NO. 3148863)

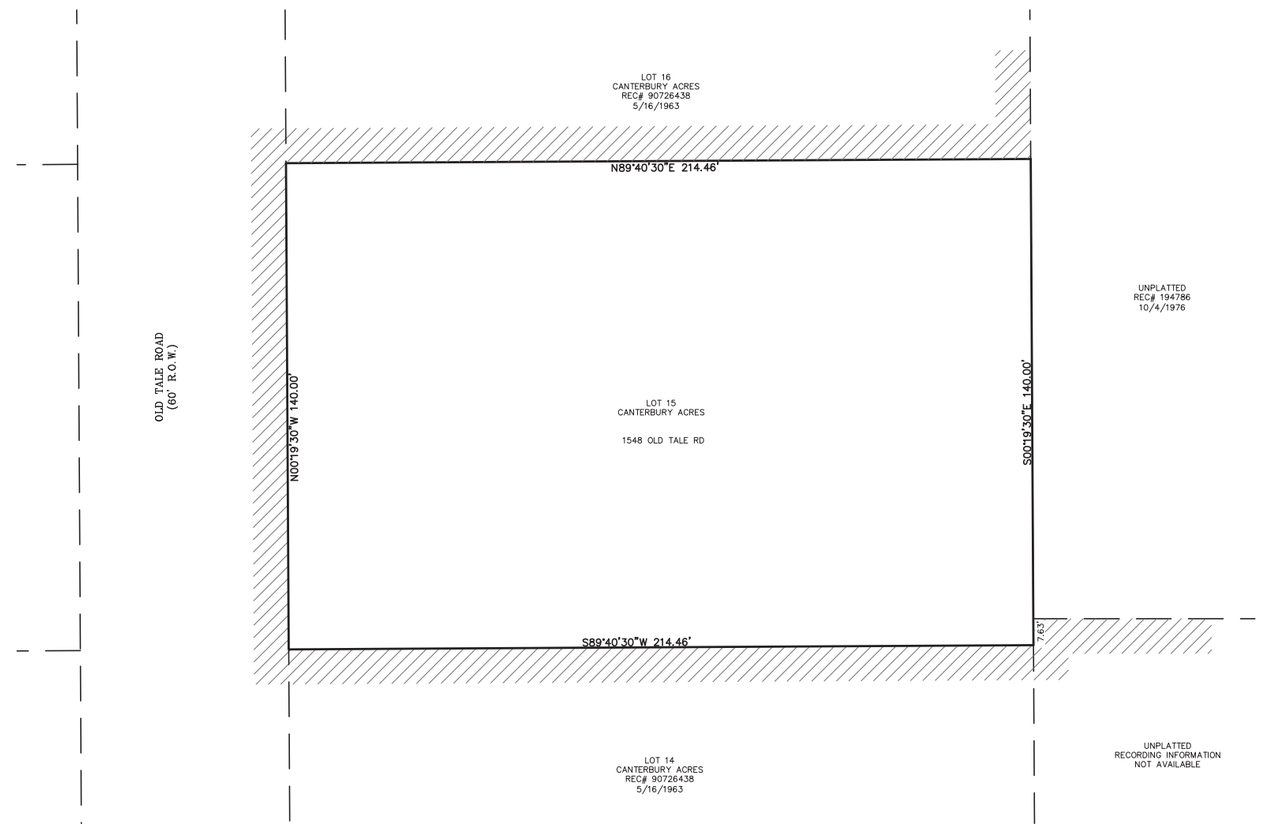
LOT 15
CANTERBURY ACRES
IN THE COUNTY OF BOULDER,
STATE OF COLORADO.

Legend

CURRENT LIMITS OF THE CITY OF BOULDER

Notes

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



Contiguity

TOTAL PERIMETER.....708.92'
1/6TH PERIMETER.....118.15'
CONTIGUOUS TO CITY LIMITS.....576.55'

GRAPHIC SCALE

20 0 10 20 40

(IN FEET)
1 inch = 20 ft.

Surveyor's Certificate

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON JULY 28, 2015 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

REVISION	DATE
1 - Revisions per City	2015-08-25 EP
2	-
3	-
4	-
5	-
6	-
7	-
8	-
9	-

ANNEXATION MAP
PREPARED FOR
CITY OF BOULDER

COPYRIGHT 2015 FLATIRONS, INC.

Flatirons, Inc.
Surveying, Engineering & Geomatics
www.Flatironsinc.com

655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355

3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9850

3660 DOWNING ST
UNIT E
DENVER, CO 80205
PH: (303) 936-6997

COLORADO LICENSED
PROFESSIONAL LAND SURVEYOR
16406
8/20/15
SEAL

JOB NUMBER:	15-66,219
DATE:	07-29-2015
DRAWN BY:	E. PRESCOTT
CHECKED BY:	JK/JZG/WW

SHEET 1 OF 1

BY:EPRESCOTT FILE:66219-ANNEX C15.DWG DATE:8/20/2015 3:12 PM

ORDINANCE NO. 8077

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.64 ACRES OF LAND GENERALLY LOCATED AT 5955 BASELINE ROAD, WITH AN INITIAL ZONING DESIGNATION OF RESIDENTIAL – RURAL 1 (RR-1) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

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

A. Patton G. Lochridge and Claire C. Lochridge are the owners of the parcel which comprise the real property more particularly described in Exhibit A (the "Property").

B. The owners of 100% of the area proposed for annexation, excluding streets and alleys, have petitioned for annexation of the Property with an initial zoning of Residential – Rural 1 (RR-1); the Property is not embraced within any city, city and county, or incorporated town; and that the Property abuts, and is contiguous to, the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is capable of being integrated into the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

E. This annexation will not result in the detachment of the area from one school district and the attachment of same to another school district.

F. This annexation will not have the effect of extending the City of Boulder's boundaries any further than three miles from any point of the existing city boundaries.

G. The Property does not include any area which is the same or substantially the same area in which an election for the annexation to the City of Boulder was held within twelve months preceding the filing of the above petition.

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

I. A public hearing on the proposed annexation and initial zoning of the Property annexed and zoned hereby was duly held before the City Council on October 6, 2015.

J. The initial zoning designation of Residential – Rural 1 (RR-1) for the Property is consistent with the Boulder Valley Comprehensive Plan, and bears a substantial relation to and will enhance the general welfare of the Property and of the residents of the City of Boulder.

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

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

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

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

Section 3. The City Council adopts the recitals in this ordinance and incorporates them herein by this reference.

Section 4. The City Council approves any variations or modifications to the Boulder Revised Code or other City ordinances that are in the agreement associated with this annexation.

Section 5. The City Council authorizes the city manager to implement the terms of the agreements associated with this annexation.

Section 6. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of September, 2015.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 6th day of October, 2015.

_____
Mayor

Attest:

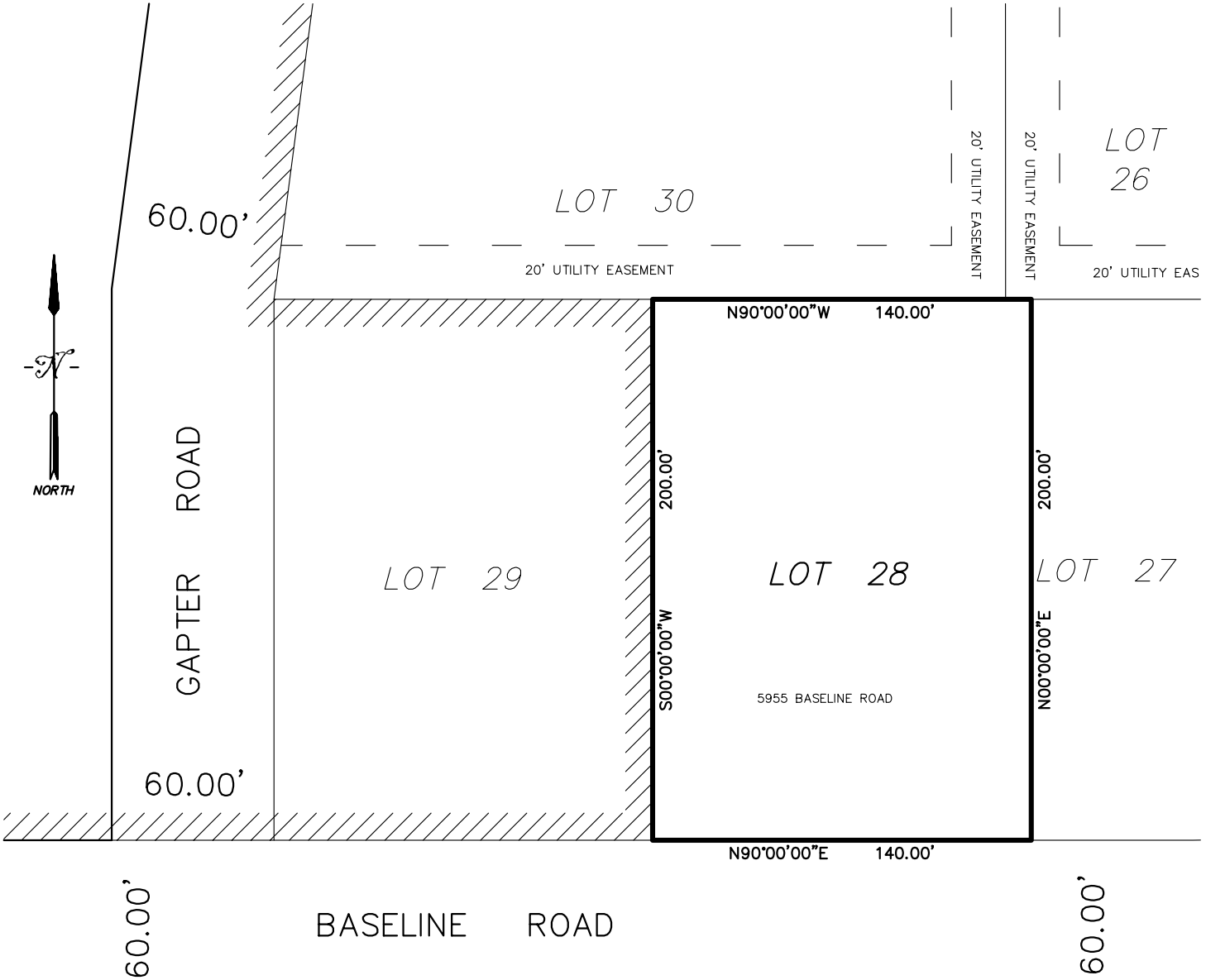
_____
City Clerk

EXHIBIT A TO ORDINANCE – Page 1 of 2

LEGAL DESCRIPTION

Lot 28, the First Addition to the Gapter Subdivision,
According to the recorded plat thereof,
County of Boulder,
State of Colorado.

LOCHRIDGE ANNEXATION MAP



LEGAL DESCRIPTION

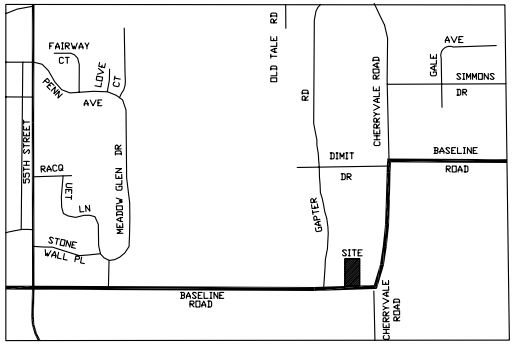
LOT 28, FIRST ADDITION TO THE GAPTER SUBDIVISION, COUNTY OF BOULDER, STATE OF COLORADO.

SURVEYOR'S CERTIFICATION

I, KIM A. ALBERS A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE LEGAL DESCRIPTION SHOWN HEREON ACCURATELY DESCRIBES THE AREA PROPOSED FOR ANNEXATION AS DEPICTED ON THIS ANNEXATION MAP. I FURTHER CERTIFY THAT THE PERIMETER OF THE AREA PROPOSED FOR ANNEXATION IS LESS THAN SIX TIMES THE CONTIGUOUS LENGTH WITH EXISTING CITY LIMITS.

KIM A. ALBERS
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR NO. 25614

COLORADO LICENSED KIM A. ALBERS 25614 PROFESSIONAL LAND SURVEYOR



VICINITY MAP
(NOT TO SCALE)

= EXISTING CITY LIMITS

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

CONTIGUITY

PERIPHERY OF AREA TO BE ANNEXED = 680.00 FEET
ONE SIXTH TOTAL PERIPHERY = 113.33 FEET
CONTIGUITY OR DISTANCE OF AREA ADJOINING CITY LIMITS = 200.00 FEET

TRUE POSITION LAND SURVEYING
951 East 8th Ave., Broomfield, CO. 80020
Phone: (720) 566-0466 truepositions@qwestoffice.net

DATE: 4/24/2012	DRAWN BY: KAA	JOB NO. 001
SCALE: AS SHOWN	CHECKED BY: JSP	DRAWING NO.: 002
REVISIONS - DATE/BY: 7/10/2015 –KAA	REVISIONS - DATE/BY:	REVISIONS - DATE/BY:

ANNEXATION PETITION

Submit with your application.

Annexation Information

Location of property to be annexed: 1385 Cherryvale Road, Boulder CO 80303

Legal Description: R0035406 TRACT 625-B 34-1N-70 BOOK 1254 PAGE 402 BCR

Size of property: 1.06 Acres Requested Zoning: RR1

Impact Report

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

Districts

Please check those districts in which the property proposed for annexation is included:

X Boulder Valley School District

____ St. Vrain School District

____ Boulder Rural fire District

X Cherryvale Fire District

____ Left Hand Water District

____ Other (list)

Property Owners

List below all owners or lienholders of the property proposed for annexation (please print):

1. Mark Daniel Burkley
2. Tara Thrasher Burkley
3.
4.

ANNEXATION PETITION

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado	Date of signature of each petitioner	Mailing address of each petitioner	Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).
[illegible]	5/12/15	1385 CHERRYVALE RD	
[illegible]	5.12.15	1385 CHERRYVALE RD.	

CENTRAL RECORDS
2015 JUN -8 PM 2:56

ANNEXATION PETITION

Submit with your application.

Annexation Information

Location of property to be annexed: 1548 Old Tale Rd Boulder Co 80303

Legal Description: LOT 15 CANTERBURY ACRES

Size of property: .6769 / 29,485 Requested Zoning: _____

Impact Report

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

Districts

Please check those districts in which the property proposed for annexation is included:

✓ Boulder Valley School District

_____ St. Vrain School District

_____ Boulder Rural fire District

✓ Cherryvale Fire District

_____ Left Hand Water District

_____ Other (list)

_____

_____

Property Owners

List below all owners or lienholders of the property proposed for annexation (please print):

1. Porsche Elaine Young Revocable Trust
2. _____
3. _____
4. _____

ANNEXATION PETITION

ture of petitioners requesting xation of property to the city of er, Colorado	Date of signature of each petitioner	Mailing address of each petitioner	Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).
che Elaine Young	5/18/15	1548 Old Tale	Lot 15 Canterbury Acres

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

_____,
being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Elaine Porsche Young
_____
Circulator

Subscribed and sworn to before me this 18th day of May, A.D. 2015.

Witness my hand and official seal. My commission expires: 05.01.2016.

LAURA CURTIS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124017704
MY COMMISSION EXPIRES MAY 1, 2016

Laura C
Notary Public

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

_____,
being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

_____
Circulator

Subscribed and sworn to before me this_____day of _____, A.D. 20_____.

Witness my hand and official seal. My commission expires:_____.

_____
Notary Public

CITY OF BOULDER
CITY ATTORNEY'S OFFICE
CENTRAL RECORDS
2015 JUL -6 PM 5:09

ANNEXATION PETITION
Submit with your application.

Annexation Information

Location of property to be annexed: 5955 Baseline Rd Boulder CO 80303

Legal Description: Lot 28 Subdivision Chapter 1 BOV

Size of property: .70 Acres Requested Zoning: RR - Area 1 City of Boulder

Impact Report

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

Districts

Please check those districts in which the property proposed for annexation is included:

✓ Boulder Valley School District

_____ St. Vrain School District

_____ Boulder Rural fire District

_____ Cherryvale Fire District

_____ Left Hand Water District

_____ Other (list)

Property Owners

List below all owners or lienholders of the property proposed for annexation (please print):

1. Patton Greene Lochridge Jr.
2. Claire Arden Compton
3.
4.

Please Note:

No person shall petition to the city of Boulder for annexation of any real property until he has first read and thereafter follows these instructions in the execution of the within petition:

1. Every person signing the within annexation petition must personally insert the information required on the signature page(s) attached to the petition.

2. The person or persons who circulate the within petition must witness the signatures of every person signing this petition and so certify by executing the affidavit attached on the last page of this petition.

3. The following definitions of terms shall be applicable throughout this petition and every subsequent step of the annexation proceeding commenced pursuant to this petition:

   a. Landowner: means the owner in fee of any undivided interest in a given parcel of land. If the mineral estate has been severed, the landowner is the owner in fee of an individual interest in the surface estate and not the owner in fee of an individual interest in the mineral estate. In the case of multiple landowners, such as tenants in common or joint tenants, only one such landowner need petition for annexation, and the signature of one such landowner shall be sufficient, provided however, that said signing landowner had become liable for taxes in the last preceding calendar year or is exempt by law from payment of taxes, and provide further, that no other owner in fee of an individual interest of the same property objects to the annexation of the said property within 14 days after the filing of the annexation petition by submitting a written statement of his objections to the City Council.

      A purchaser of real property shall be deemed a landowner for the purpose of an annexation petition if:

      (1) The said purchaser is purchasing the land pursuant to a written contract duly recorded, and

      (2) The said purchaser has paid the taxes thereon for the next preceding tax year.

      A corporation, non-profit, owning land shall be deemed a landowner, and the same persons authorized to convey land for the corporation shall sign the within petition on behalf of such corporation.

   b. Nonresident Landowner: means any person owning property in the area proposed to be annexed, who is not a qualified elector as herein below defined, and who is at least eighteen (18) years of age as attested to by a swom affidavit.

   c. Identical Ownership: means a situation where each owner has exactly the same degree of interest in a separate parcel of two or more parcels of land.

   d. Contiguous: means that one-sixth of the boundary of the territory proposed for annexation and the city limits must coincide. Contiguity as referred to in this petition or subsequent annexation proceedings is not affected by the existence of a platted street or alley, public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway between the city limits of the city of Boulder and the territory to be annexed.

4. This petition must be filed with the City Clerk of the city of Boulder.

5. This petition should be filed in the following manner:

   a. All blanks herein contained should be filled out and completed.

   b. Each signer shall, before signing said petition, carefully read the contents hereof.

   c. The signatures attached to this petition must have been signed within 180 days immediately preceding the filing of the said petition with the City Clerk.

   d. After filing of the petition, no person having signed said petition shall thereafter be permitted to withdraw his/her signature from said petition.

   e. This petition shall be accompanied by at least four copies of an annexation map containing the following information:

      1. A written legal description of the boundaries of the area proposed to be annexed.

      2. A map showing the boundaries of the area proposed to be annexed.

      3. Within the boundaries of the area proposed to be annexed, the location of each ownership tract in unplatted land and, if part or all of the area has been platted, the boundaries and the plat numbers of the plots or of the lots and blocks shall be shown.

      4. The portion of the boundaries of the area proposed to be annexed which is contiguous to the city limits of the city of Boulder, as the same exist at the time this annexation petition is to be filed, must be shown and the dimensions thereof indicated.

Submit with your application.

TO THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, GREETINGS:

The undersigned hereby petition(s) the city of Boulder to annex to the city of Boulder the territory shown on the map(s) attached hereto and described on the attachment hereto:

This Petition is signed by landowners qualified to sign. It is intended that this Petition be a one hundred percent (100%) petition for annexation as described in C.R.S. 1973, Section 31-12-107(I)(g), (as amended).

In support of this petition, the undersigned state(s) and allege(s) as follows, to wit:

1. That it is desirable and necessary that the above described territory be annexed to the city of Boulder.

2. That petitioners are landowners of one hundred percent (100%) of the territory, excluding streets and alleys, herein proposed for annexation to the city of Boulder.

3. That no less than one-sixth of the aggregate external boundaries of the above described territory hereby petitioned to the city of Boulder is contiguous to the city limits of the city of Boulder.

4. That a community of interest exists between the above described territory and the city of Boulder, And that the same is urban, or will be urbanized in the near future, and further that the said territory is integrated or is capable of being integrated in the city of Boulder.

5. That in establishing the boundaries of the above described territory, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, except and unless such tracts or parcels are already separated by a dedicated street, road or other public way.

6. That in establishing the boundaries of the above described territory, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty acres or more which, together with the buildings and improvements situate thereon, have an assessed valuation in excess of $200,000 for ad valorem tax purposes for the year next preceding the filing of the within petition for annexation, has been included within the above.

7. That the above described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the city of Boulder was held within the twelve months preceding the filing of this petition.

8. That the above described territory does not include any area included in another annexation proceeding involving a city other than the city of Boulder.

9. That at least four copies of an annexation map setting forth with reasonable certainty a written legal description of the boundaries of the area proposed to be annexed, a delineation of the outer boundaries of the above described territory, and the location of each ownership, tract and/or the boundaries and the plat numbers of plats and lots and blocks, the portion of the boundary contiguous with the existing city limits of the city of Boulder, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the City Clerk of the city of Boulder, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the City Clerk of the city of Boulder, accompany, have been attached hereto and hereby constitute a part of this petition.

10. That the above described territory is not presently a part of any incorporated city, city and county, or town.

11. That the above area described will (not) result in the detachment of area from any school district and the attachment of the same to another school district (and the resolution of school board of the district to which the area will be attached approving this annexation request).

ANNEXATION PETITION

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado	Date of signature of each petitioner	Mailing address of each petitioner	Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).
[illegible]	6/30/15	5955 Baseline Rd.	Lot 28, 1st addition to Gapter Subdivision, County of Boulder, State of Colorado
[illegible]	6/30/15	5955 Baseline Rd	Same description

SIGN POSTING REQUIREMENTS
APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS - Excerpt of Section 9-4-3(c), B.R.C. 1981: Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

(A) The notice shall be place on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.

(B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.

(C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

(D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.

(E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, Patton Lochridge, am filing a Land Use Review or Technical Document Review
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

application [on behalf of the property owner(s) _____ for property located
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

at 5955 Baseline Rd. I have read the city's sign posting requirements above and acknowledge and
(PRINT PROPERTY ADDRESS OR LOCATION)

agree to the following:

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.

2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.

3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).

4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

Patton Lochridge — 6-30-15
NAME OF APPLICANT OR CONTACT PERSON — DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

Patton G. Lochridge and Claire L. Lochridge,
being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Circulator

Subscribed and sworn to before me this 30 day of June, A.D. 20 15.

Witness my hand and official seal. My commission expires: 3/12/19.

ALEXANDRA BRADSHAW
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 20154010388
MY COMMISSION EXPIRES MARCH 12, 2019

Notary Public

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

_____,
being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Circulator

Subscribed and sworn to before me this_____day of _____, A.D. 20_____.

Witness my hand and official seal. My commission expires:_____.

Notary Public

For Administrative Purposes Only
Property Address: 1385 Cherryvale Road
Grantors: Mark Burkley and Tara Burkley
Grantee: City of Boulder, Colorado
Case#: LUR2015-00061

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this _____ day of _____, 2015, by and between the City of Boulder, a Colorado home rule city (the "City"), and Mark Burkley and Tara Burkley (the "Applicants"). The City and the Applicants are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicants are the owners of the property generally known as 1385 Cherryvale Road and more particularly described on **Exhibit A** attached hereto and incorporated herein (the "Property").

B. The Applicants are interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation with an initial zoning designation of Residential - Rural 1 (RR-1) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicants in annexing into the City, the City is providing an annexation package that includes a method for financing the water and sewer connection fees and a waiver of certain fees and taxes which includes the annexation application fee and the development excise tax and the housing excise tax.

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

COVENANTS

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

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

"Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or the addition of three or more plumbing fixtures.

"Sale" or "Sold" shall be defined as a transfer of title of ownership for money or other consideration.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicants shall do the following, unless otherwise approved by the City Manager:

   A. Annexation Agreement. The Applicants will sign this Agreement.

   B. Title Work. The Applicants will provide the City with title work current to within 30 days of signing this Agreement.

   C. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on the Property, if any.

   D. Northern Colorado Water Conservancy District ("NCWCD"). If the Property is not already included in the Northern Colorado Water Conservancy District and the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District, the Applicants will sign and file the applicable applications for inclusion and pay the applicable fees.

   E. Easement Dedications. The Applicants shall dedicate to the City, at no cost, a flood control easement for the area of the Property located within the regulatory conveyance zone of South Boulder Creek as shown on **Exhibit B**. The easement shall be in a form acceptable to the City Manager. The easement will exclude any principal building containing a dwelling unit on the Property within the flood control easement area that is existing at the time of annexation.

3. Connection Requirements. Prior to connection to the water main and sanitary sewer main, the Applicants shall:

   A. Submit an application to connect to the water main and sanitary sewer main that meets the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.

   B. Pay all applicable fees and charges associated with a service line connection to the water main and sanitary sewer main at the rates applicable at the time of connection to the water main and sanitary sewer main, including but not limited to right-of way permit fees and the fees listed in Subparagraph 3.D. below.

   C. Construct the individual service lines that will connect the Applicants' existing residence to the water main and sanitary sewer main.

D. Pay any applicable fees and assessments at the rates applicable at the time of connection to the water main and sanitary sewer main, including but not limited to the following which are the applicable fees if the connection is made in 2015:

Stormwater and Flood PIF	$10,100.80
Total	**$10,100.80**

The above listed fee(s) may increase after 2015.

E. Execute a Promissory Note and Deed of Trust, if Applicants selected Payment Option #B, as described under Paragraph 4.B.(i) below.

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicants select **Option #B** set forth below.

A. Option #A: Payment in Full. The Applicants shall connect to the water main and sanitary sewer main within 180 days after the effective date of the annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the water main and sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension.

B. Option #B: Payment Plan. The Applicants shall connect to the water main and sanitary sewer main within 180 days after the effective date of the annexation ordinance and shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the water main and sanitary sewer main, the Applicants shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicants' Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City water and sewer systems.

The City Manager may, in her discretion, approve a different time for connection to the water main and sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicants shall connect to the water main and sanitary sewer main at a time later than what is specified in Option #A and #B above, but no later than the time when 1) the Applicants' on-site wastewater

system fails or is declared unsafe, or the Applicants are otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) at the time Applicants' Property is Sold; or 3) at the time of Redevelopment of Applicants' Property, whichever occurs first. At the respective time and prior to the Applicants' connection to the water main and sanitary sewer main, the Applicants will pay the costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any other public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.

6. Use of Existing Wells. The City agrees not to prohibit the Applicants from using existing wells for irrigation purposes, even if the Property is served by the City's water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicants have connected to the City's water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.

7. Applicants Responsible for Legal Disconnection of On-site Wastewater System. If the Applicants decide to continue to use an existing on-site wastewater system, the Applicants agree that the Applicants will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicants are required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.

8. Historic Drainage. The Applicants agree to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

9. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicants agree not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

10. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming

uses for which the Applicants have provided a written description that is received by the City in accordance with Paragraph 2.C above will be considered legal. The Applicants and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

11. Removal of Wood Roof Coverings. If any structures on the Property have wood roof coverings, the Applicants agree to submit a building permit application within two years of the effective date of the annexation ordinance to remove or cause to be removed all wood roof covering materials and to replace the removed roofing with approved roof covering materials which conform to the City of Boulder Building Code. Said removal and replacement of the wood roof covering materials must be completed within three years of the effective date of the annexation ordinance.

12. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.

13. Waiver of Vested Rights. The Applicants hereby waive any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicants acknowledge that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

14. Dedications. The Applicants acknowledge that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.

15. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicants shall provide an original of this Agreement signed by Applicants, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicants. The Applicants agree that they will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.

16. No Encumbrances. The Applicants agree that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicants shall neither convey ownership nor further encumber the Applicants' Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicants agree not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.

17. Breach of Agreement. In the event the Applicants breach or fail to perform any required action, or fail to pay any fee specified, under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fail to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicants and collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledge that the adoption of the annexation ordinance is such enabling ordinance.

18. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.

19. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicants, the Applicants' heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

20. Right to Withdraw. The Applicants retain the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicants' right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicants withdraw from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding the Applicants. The City agrees, within 30 days of a request by the Applicants after a withdrawal, to return all previously submitted fees, application, and easement and/or rights of way dedication documents which the Applicants submitted pursuant to this Agreement to the City. The Parties agree that costs submitted to the City to cover survey work shall not be returned to the Applicants.

21. Flood Control Easement Conditions. The Applicants acknowledge that no accessory structures currently exist within the flood control easement area. The Applicants shall not construct any new buildings within the flood control easement area.

EXECUTED on the day and year first above written.

Applicants:

By: _____
Mark Burkley

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 24th day of August, 2015, by Mark Burkley.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

_____
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

By: _____
Tara Burkley

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 24th day of August, 2015, by Tara Burkley.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

_____
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

CITY OF BOULDER:

By:_____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved as to form:

Hella Pannewig
City Attorney's Office

Date: 8-24-2015

EXHIBITS:
A: Legal Description
B: Flood Control Easement

EXHIBIT A TO ANNEXATION AGREEMENT

LEGAL DESCRIPTION

Beginning at the Northwest corner of Northeast ¼ of Section 34, Township 1 North, Range 70 West of the 6th P.M.;

Thence East 792 feet; Thence South 1220 feet to the True Point of Beginning:

Thence South 100 feet;

Thence West 462 feet;

Thence North 100 feet;

Thence East 462 feet to the True Point of Beginning,

County of Boulder,

State of Colorado.

EXHIBIT B TO ANNEXATION AGREEMENT

For Administrative Purposes Only
Property Address: 1385 Cherryvale Road
Grantors: Mark Burkley and Tara Burkley
Grantee: City of Boulder, Colorado
Case#: LUR2015-00061

GRANT OF FLOOD CONTROL EASEMENT

MARK BURKLEY AND TARA BURKLEY ("Grantors"), whose address is 1385 Cherryvale Road, Boulder, CO, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantors, for themselves and for their heirs, successors, agents, lessees, and assigns, do hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by themselves or their heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantors warrant their ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their heirs, agents, lessees and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of

this ___ day of _____, 2015.

GRANTORS:

By:_____
Mark Burkley

[*NOTARY BLOCK FOLLOWS*]

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Mark Burkley.

Witness my hand and official seal.
My commission expires: _____

_____
Notary Public

By:_____
Tara Burkley

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Tara Burkley.

Witness my hand and official seal.
My commission expires: _____

_____
Notary Public

LENDER'S CONSENT AND SUBORDINATION

The undersigned, a beneficiary under a certain deed of trust encumbering the property, hereby expressly consents to and joins in the execution and recording of this grant of easement and makes the deed of trust subordinate hereto. The undersigned represents that he or she has full power and authority to execute this Lender's Consent and Subordination on behalf of the below-stated lender.

ELEVATIONS CREDIT UNION

By:_____
Printed Name:_____
Title:_____

ACKNOWLEDGMENT

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ___ day of _____,

20___, by _____ as _____ of

Elevations Credit Union.

Witness my Hand and Seal.
My Commission Expires:_____

[Seal]

_____
Notary Public

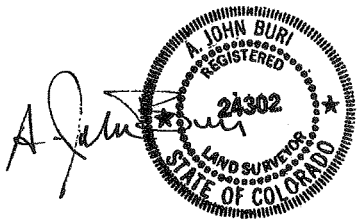
LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED AT RECEPTION NO. 3416986, RECORDED 12/8/2014 AT THE BOULDER COUNTY RECORDS, A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, T1N, R70W OF THE 6TH P.M. COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4, OF SAID SECTION 34, WHENCE THE NORTH LINE OF SAID NORTHEAST 1/4 BEARS N89°45'24"E, SAID LINE FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION; THENCE N89°45'24"E ALONG SAID NORTH LINE A DISTANCE OF 792 FEET; THENCE S0°37'34"E A DISTANCE OF 1216.79 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S89°28'34"W ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 208.09 FEET TO THE TRUE POINT OF BEGINNING.

THENCE S00°31'46"W, 100.02 FEET TO THE SOUTH LINE OF SAID PARCEL;
THENCE S89°28'34"W, ALONG SAID SOUTH LINE 255.51 FEET TO THE WEST LINE OF SAID PARCEL;
THENCE N00°37'34"E, 100.00 FEET TO THE NORTH LINE OF SAID PARCEL;
THENCE N89°28'34"E, ALONG SAID NORTH LINE 257.53 FEET TO THE TRUE POINT OF BEGINNING;

SAID PARCEL CONTAINS 25,653 SQUARE FEET OR 0.589 ACRES MORE OR LESS.



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
07/24/15 PROJECT NO. 14379A

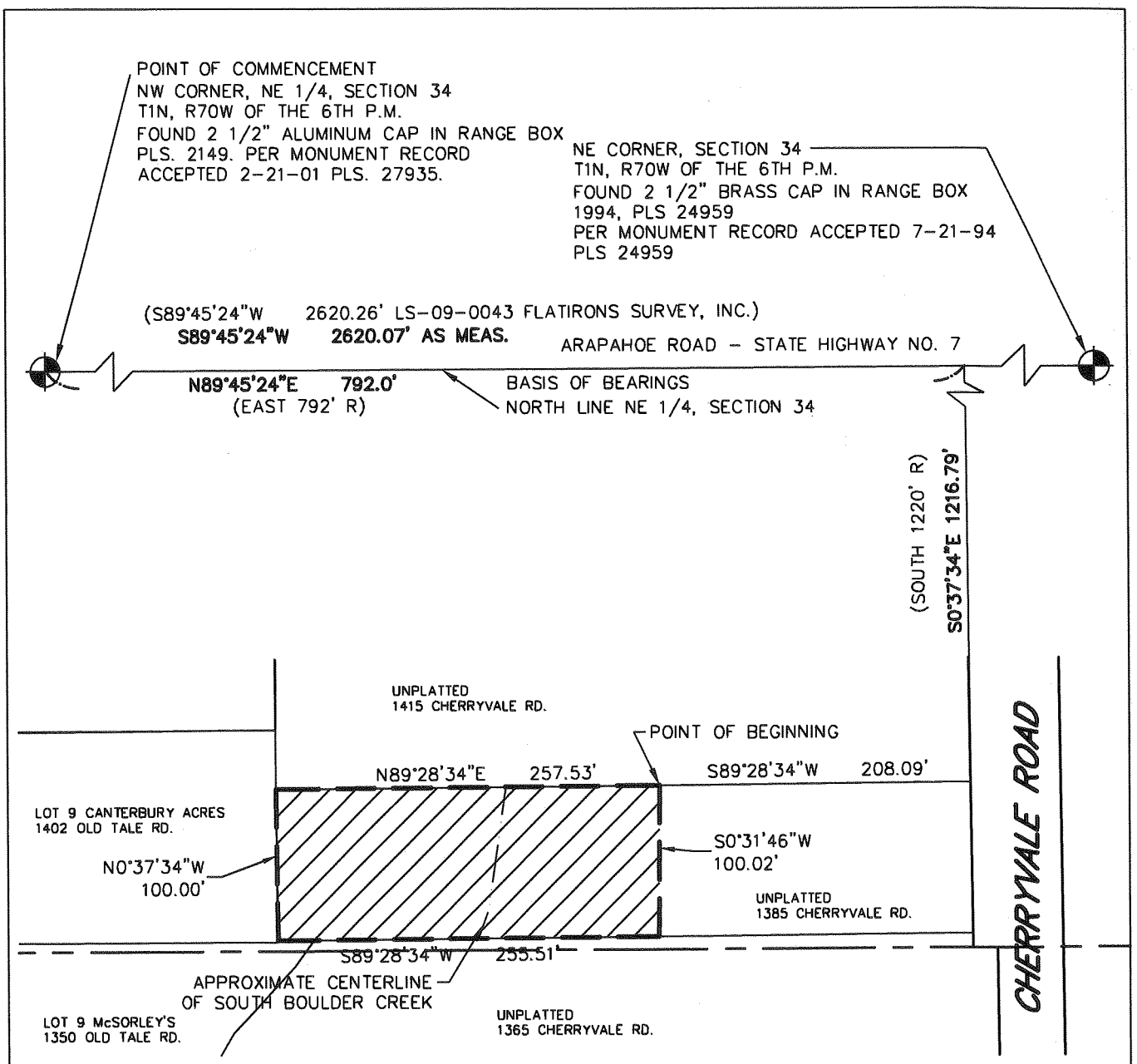


EXHIBIT A

SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 - 3051

7/24/15 JOB NO. 14379A DRAWING NO. 14379A

For Administrative Purposes Only
Property Address: 1548 Old Tale Road
Grantors: Porsche Elaine Young Revocable Trust
dated August 7, 2006
Grantee: City of Boulder, Colorado
Case#: LUR2015-00062

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this _____ day of _____, 2015, by and between the City of Boulder, a Colorado home rule city (the "City"), and Porsche Elaine Young Revocable Trust dated August 7, 2006, a Colorado trust (the "Applicant"). The City and the Applicant are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicant is the owner of the property generally known as 1548 Old Tale Road and more particularly described as Lot 15, Canterbury Acres, County of Boulder, State of Colorado (the "Property").

B. The Applicant is interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation with an initial zoning designation of Residential - Rural 2 (RR-2) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicant in annexing into the City, the City is providing an annexation package that includes a method for financing the water and sewer connection fees (to the extent applicable) and a waiver of certain fees and taxes which includes the annexation application fee and the development excise tax and the housing excise tax.

E. The Applicant and the City intend to maintain and preserve the rural character of the neighborhood. The City agrees to construct a water main within Old Tale Road and McSorley Road ("Water Main"). After the installation of this Water Main, the City will rebuild Old Tale Road and McSorley Road where the City installed the Water Main according to "Rural Residential Street Standards," set forth in Section 2.09(D)(3) of the City of Boulder *Design and Construction Standards*, with the exception of sidewalks, drainage swales and streetlights which will not be installed as a condition of this annexation. The Applicant will not have any obligation to construct or finance the construction of the Water Main or reconstruct or finance the reconstruction of Old Tale Road and McSorley Road as a condition of this Agreement.

F. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety, and welfare and prevent the

placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

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

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

   "Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or the addition of three or more plumbing fixtures.

   "Sale" or "Sold" shall be defined as a transfer of title of ownership for money or other consideration.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicant shall do the following, unless otherwise approved by the City Manager:

   A. Annexation Agreement. The Applicant will sign this Agreement.

   B. Title Work. The Applicant will provide the City with title work current to within 30 days of signing this Agreement.

   C. Written Descriptions. The Applicant shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on the Property, if any.

   D. Northern Colorado Water Conservancy District ("NCWCD"). If the Property is not already included in the Northern Colorado Water Conservancy District and the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District, the Applicant will sign and file applicable applications for inclusion.

   E. Easement Dedications. To the extent the Property is located within 60 feet from the centerline of the South Boulder Creek, the Applicant shall dedicate to the City, at no cost, the following easements:

      a. A flood control easement from 60 feet on either side of the centerline of South Boulder Creek as shown on **Exhibit A**. The easement shall be in a form acceptable to the City Manager. The easement will exclude any principal building containing a dwelling unit on the lot within the flood control easement area that is existing at the time of annexation.

3. Connection Requirements. Prior to connection to the Water Main and sanitary sewer main, the Applicant shall:

   A. Submit an application to connect to the Water Main and sanitary sewer main that meets the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.

   B. Pay all applicable fees and charges associated with a service line connection to the Water Main and sanitary sewer main at the rates applicable at the time of connection to the Water Main and sanitary sewer main, including but not limited to right-of way permit fees and the fees listed in Subparagraph 3.D. below.

   C. Construct the individual service lines that will connect the Applicant' existing residence to the Water Main and sanitary sewer main.

   D. Pay any applicable fees and assessments at the rates applicable at the time of connection to the City's water and sewer system, including but not limited to the following which are the applicable fees if the connections are made in 2015:

Water Tap, Meter, Permit and Inspection Fee	1,232.86
Water PIF	17,486.00
Sewer Permit, Inspection and Tap Fee	423.18
Wastewater	4,652.00
Stormwater and Flood PIF	$10,021.62
Total	**$33,815.66**

   The above listed fees may increase after 2015.

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicant selects **Option #B** set forth below.

   A. Option #A: Payment in Full. The Applicant shall connect to the Water Main and sanitary sewer main within 180 days after the City's final acceptance of the Water Main or within 180 days after the effective date of the annexation ordinance, whichever occurs latest, and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the Water Main and sanitary sewer main provided the Applicant demonstrates reasonable diligence to comply with the 180-day deadline and good cause for the extension.

   B. Option #B: Payment Plan. The Applicant shall connect to the Water Main and sanitary sewer main within 180 days after the City's final acceptance of the Water Main or within 180 days after the effective date of the annexation ordinance, whichever occurs latest, and shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the Water Main and sanitary sewer main, the Applicant shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicant's Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City water and sewer systems.

The City Manager may, in her discretion, approve a different time for connection to the Water Main and sanitary sewer main provided the Applicant demonstrates reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicant shall connect to the Water Main and sanitary sewer main at a time later than what is specified in Option #A and #B above, but no later than the time when 1) the Applicant's on-site wastewater system fails or is declared unsafe, or the Applicant is otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) at the time Applicant's Property is Sold; or 3) at the time of Redevelopment of Applicant's Property, whichever occurs first. At the respective time and prior to the Applicant's connection to the Water Main and sanitary sewer main, the Applicant will pay the costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any other public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.

6. Use of Existing Wells. The City agrees not to prohibit the Applicant from using existing wells for irrigation purposes, even if the Property is served by the City's water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicant has connected to the City's water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.

7. Applicant Responsible for Legal Disconnection of On-site Wastewater System. If the Applicant decides to continue to use an existing on-site wastewater system, the Applicant agrees that the Applicant will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-

site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicant is required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.

8. Historic Drainage. The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

9. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

10. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming uses for which the Applicant has provided a written description that is received by the City in accordance with Paragraph 2.C above will be considered legal. The Applicant and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

11. Removal of Wood Roof Coverings. If any structures on the Property have wood roof coverings, the Applicant agrees to submit a building permit application within two years of the effective date of the annexation ordinance to remove or cause to be removed all wood roof covering materials and to replace the removed roofing with approved roof covering materials which conform to the City of Boulder Building Code. Said removal and replacement of the wood roof covering materials must be completed within three years of the effective date of the annexation ordinance.

12. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.

13. Waiver of Vested Rights. The Applicant hereby waives any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicant acknowledges that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

14. Dedications. The Applicant acknowledges that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.

15. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicant shall provide an original of this Agreement signed by Applicant, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicant. The Applicant agrees that the Applicant will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.

16. No Encumbrances. The Applicant agrees that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicant shall neither convey ownership nor further encumber the Applicant's Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicant agrees not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.

17. Breach of Agreement. In the event the Applicant breaches or fails to perform any required action or fails to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicant fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicant and collect its costs in the manner herein provided. The Applicant agrees to waive any rights the Applicant may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

18. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.

19. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicant, the Applicant's successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

20. Right to Withdraw. The Applicant retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicant's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicant withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding the Applicant. The City agrees, within 30 days of a request by the Applicant after a withdrawal, to return all previously submitted fees, application, and easement and/or rights of way dedication documents which the Applicant submitted pursuant to this Agreement to the City. The Parties agree that costs submitted to the City to cover survey work shall not be returned to the Applicant.

21. Flood Control Easement Conditions. The Applicant acknowledges that no accessory structures currently exist within the flood control easement area. The Applicant shall not construct any new buildings within the flood control easement area.

EXECUTED on the day and year first above written.

Applicant:
Porsche Elaine Young Revocable Trust
dated August 7, 2006

By: Porsche Elaine Young, Trustee
Porsche Elaine Young, Trustee

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 24th day of August, 2015, by Porsche Elaine Young, as Trustee of the Porsche Elaine Young Revocable Trust dated August 7, 2006.

Witness my hand and official seal.

My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

CITY OF BOULDER:

By:_____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved as to form:

Helen Pannewig
City Attorney's Office

Date: 8-24-2015

EXHIBIT:
A: Form of Flood Control Easement

EXHIBIT A TO ANNEXATION AGREEMENT

GRANT OF FLOOD CONTROL EASEMENT

PORSCHE ELAINE YOUNG REVOCABLE TRUST DATED AUGUST 7, 2006, a Colorado trust ("Grantor"), whose address is 1548 Old Tale Road, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance of flood waters as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for itself and for its successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by itself or its successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

This easement does not grant to the City a right to construct a public trail or other public transportation improvements in the easement area.

Grantor warrants its ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, its agents, lessees and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of

this __ day of _____, 2015.

GRANTOR:
PORSCHE ELAINE YOUNG REVOCABLE TRUST DATED AUGUST 7, 2006
a Colorado trust

By:_____
Porsche Elaine Young, Trustee

[NOTARY BLOCK FOLLOWS]

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Porsche Elaine Young as Trustee of the Porsche Elaine Young Revocable Trust dated August 7, 2006.

Witness my hand and official seal.

My commission expires: _____

_____
Notary Public

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT OVER AND ACROSS A PORTION OF LOT 15, CANTERBURY ACRES AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON MAY 16, 1963, AT RECEPTION NO. 90726438, LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EASTERLY LINE OF LOT 15 TO BEAR SOUTH 00°19'30" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 15;
THENCE ALONG THE EASTERLY LINE OF SAID LOT 15, SOUTH 00°19'30" EAST, A DISTANCE OF 96.16 FEET TO A POINT LYING 60 FEET WESTERLY OF THE CENTERLINE OF SOUTH BOULDER CREEK;
THENCE ALONG A LINE LYING 60 FEET WESTERLY OF AND PARALLEL WITH SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES:
NORTH 16°46'43" WEST, A DISTANCE OF 58.28 FEET;
THENCE NORTH 00°14'09" WEST, A DISTANCE OF 40.27 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 15;
THENCE ALONG SAID NORTHERLY LINE, NORTH 89°40'30" EAST, A DISTANCE OF 16.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 1,125 SQ. FT., OR 0.03 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

COLORADO LICENSED
JOHN BRUCE GUYTON
16406
7/29/15
PROFESSIONAL LAND SURVEYOR

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 15-66,219

JOB NUMBER: 15-66,219
DRAWN BY: E. PRESCOTT
DATE: JULY 29, 2015

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

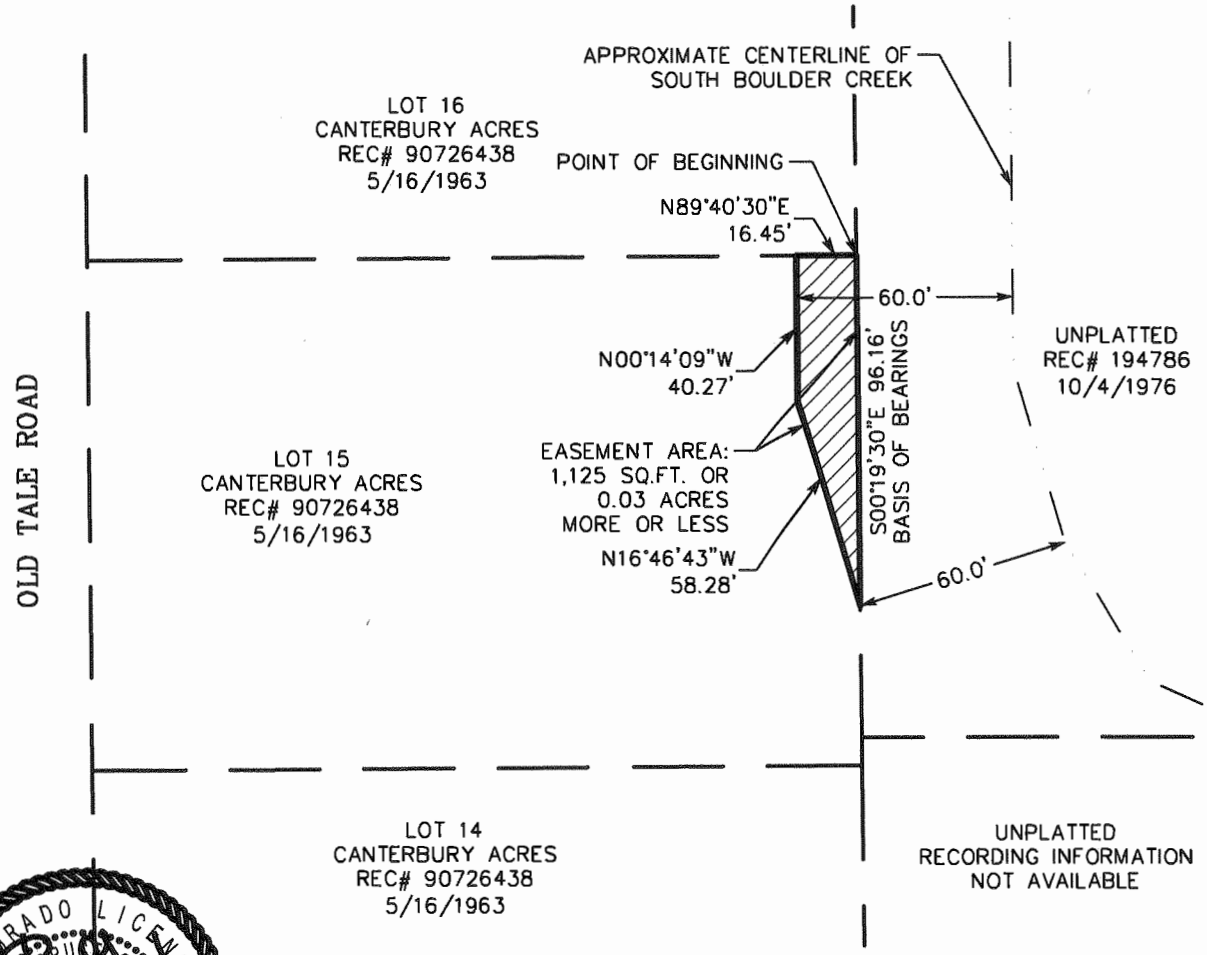
Flatirons, Inc.
Surveying, Engineering & Geomatics
655 FOURTH AVE
LONGMONT, CO 80501
PH: (303) 776-1733
FAX: (303) 776-4355
www.FlatironsInc.com

BY:EPRESCOTT FILE:66219-DESC-C15.DWG DATE:7/29/2015 1:02 PM

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



COLORADO LICENSED
JOHN PRESCOTT RUSSELL
16406
7/29/15
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE

50 0 25 50

(IN FEET)
1 inch = 50 ft.

JOB NUMBER: 15-66,219
DRAWN BY: E. PRESCOTT
DATE: JULY 29, 2015

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BY:EPRESCOTT FILE:66219-DESC-C15.DWG DATE:7/29/2015 1:02 PM

For Administrative Purposes Only
Property Address: 1548 Old Tale Road
Grantor: Porsche Elaine Young Revocable Trust dated august 7, 2006
Grantee: City of Boulder, Colorado
Case#: LUR2015-00062

GRANT OF FLOOD CONTROL EASEMENT

PORSCHE ELAINE YOUNG REVOCABLE TRUST DATED AUGUST 7, 2006, a Colorado trust ("Grantor"), whose address is 1548 Old Tale Road, for $1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance of flood waters as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for itself and for its successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by itself or its successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

This easement does not grant to the City a right to construct a public trail or other public transportation improvements in the easement area.

Grantor warrants its ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, its agents, lessees and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this 24th day of August, 2015.

GRANTOR:
PORSCHE ELAINE YOUNG REVOCABLE TRUST DATED AUGUST 7, 2006
a Colorado trust

By: Porsche Elaine Young, Trustee
Porsche Elaine Young, Trustee

[NOTARY BLOCK FOLLOWS]

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 24th day of August, 2015, by Porsche Elaine Young as Trustee of the Porsche Elaine Young Revocable Trust dated August 7, 2006.

Witness my hand and official seal.

My commission expires: 4-27-16

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

Julia B. Chase
Notary Public

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT OVER AND ACROSS A PORTION OF LOT 15, CANTERBURY ACRES AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON MAY 16, 1963, AT RECEPTION NO. 90726438, LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 15;
THENCE ALONG THE EASTERLY LINE OF SAID LOT 15, SOUTH 00°19'30" EAST, A DISTANCE OF 96.16 FEET TO A POINT LYING 60 FEET WESTERLY OF THE CENTERLINE OF SOUTH BOULDER CREEK;
THENCE ALONG A LINE LYING 60 FEET WESTERLY OF AND PARALLEL WITH SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES:
NORTH 16°46'43" WEST, A DISTANCE OF 58.28 FEET;
THENCE NORTH 00°14'09" WEST, A DISTANCE OF 40.27 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 15;
THENCE ALONG SAID NORTHERLY LINE, NORTH 89°40'30" EAST, A DISTANCE OF 16.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 1,125 SQ. FT., OR 0.03 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

COLORADO LICENSED
JOHN B. GUYTON
16406
7/29/15
PROFESSIONAL LAND SURVEYOR

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 15-66,219

JOB NUMBER: 15-66,219
DRAWN BY: E. PRESCOTT
DATE: JULY 29, 2015

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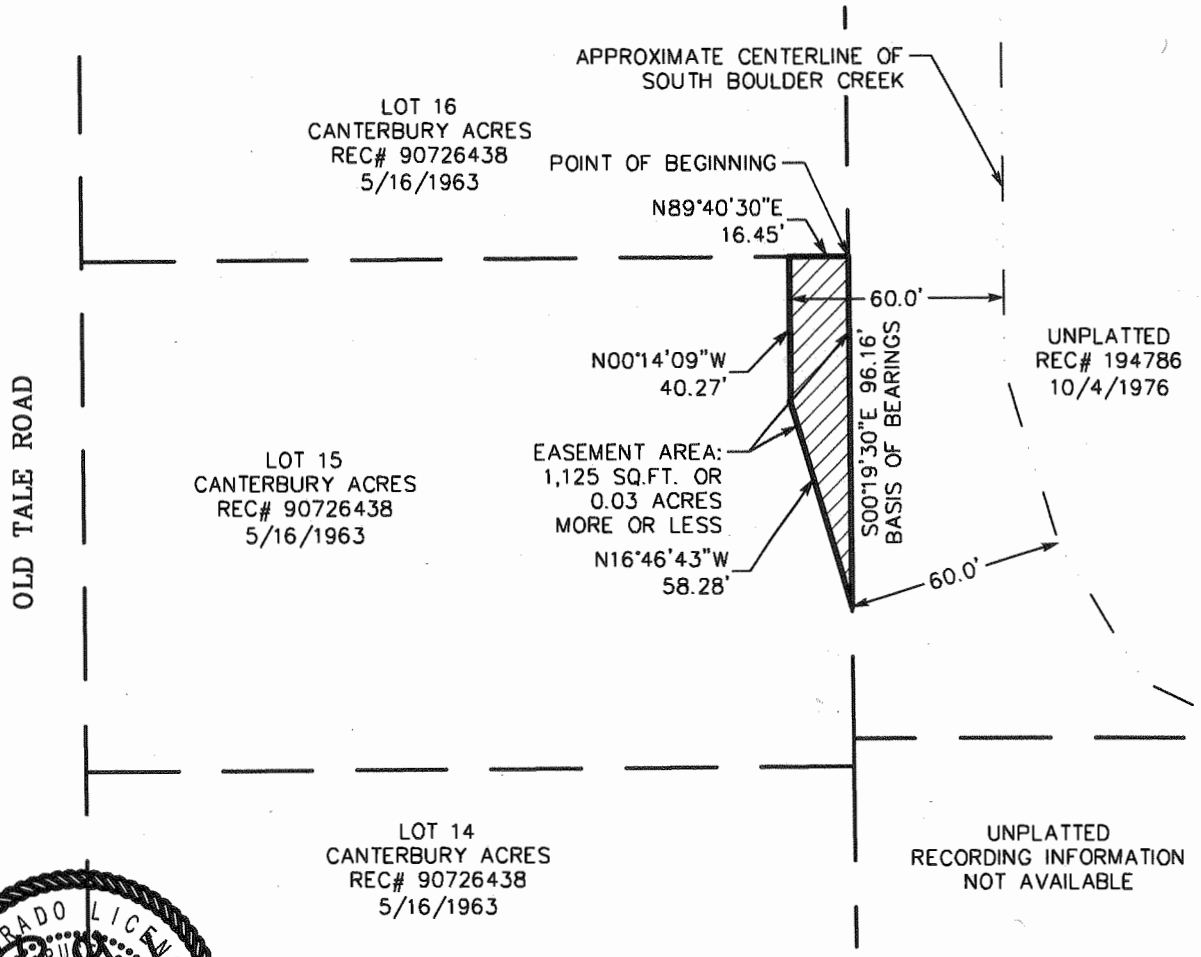
BY:EPRESCOTT FILE:66219-DESC-C15.DWG DATE:7/29/2015 1:02 PM

EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2



COLORADO LICENSED
JOHN RUSSELL NOLDE
16406
7/29/15
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE

50 0 25 50

(IN FEET)
1 inch = 50 ft.

JOB NUMBER: 15-66,219
DRAWN BY: E. PRESCOTT
DATE: JULY 29, 2015

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BY:EPRESCOTT FILE:66219-DESC-C15.DWG DATE:7/29/2015 1:02 PM

For Administrative Purposes Only
Property Address: 5955 Baseline Road
Grantors: Patton G. and Claire C. Lochridge
Grantee: City of Boulder, Colorado
Case#: LUR2015-00067

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this _____ day of _____, 2015, by and between the City of Boulder, a Colorado home rule city (the "City"), and Patton G. Lochridge and Claire C. Lochridge (the "Applicants"). The City and the Applicants are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicants are the owners of the property generally known as 5955 Baseline Road, Boulder, CO, and more particularly described as Lot 28, First Addition to the Gapter Subdivision, County of Boulder, State of Colorado (the "Property").

B. The Applicants are interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation with an initial zoning designation of Residential - Rural 1 (RR-1) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicants in annexing into the City, the City is providing an annexation package that includes a method for financing the water and sewer connection fees and a waiver of certain fees and taxes which includes the annexation application fee and the development excise tax and the housing excise tax.

E. The City agrees to construct a water main and sewer main in Baseline Road adjacent to the Property. The Applicants will not have any obligation to construct or finance the construction of the water main or sewer main or reconstruct or finance the reconstruction of Baseline Road as a condition of this Agreement.

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

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set

forth, and other good and valuable consideration herein receipted for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

   "Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or the addition of three or more plumbing fixtures.

   "Sale" or "Sold" shall be defined as a transfer of title of ownership for money or other consideration.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicants shall do the following, unless otherwise approved by the City Manager:

   A. Annexation Agreement. The Applicants will sign this Agreement.

   B. Title Work. The Applicants will provide the City with title work current to within 30 days of signing this Agreement.

   C. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on the Property, if any.

   D. Northern Colorado Water Conservancy District ("NCWCD"). If the Property is not already included in the Northern Colorado Water Conservancy District and the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District, the Applicants will sign and file the applicable applications for inclusion and pay the applicable fees.

3. Connection Requirements. Prior to connection to the water main and sanitary sewer main, the Applicants shall:

   A. Submit an application to connect to the water main and sanitary sewer main that meets the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.

   B. Pay all applicable fees and charges associated with a service line connection to the water main and sanitary sewer main at the rates applicable at the time of connection to the water main and sanitary sewer main, including but not limited to right-of way permit fees and the fees listed in Subparagraph 3.D. below.

   C. Construct the individual service lines that will connect the Applicants' existing residence to the water main and sanitary sewer main.

D. Pay any applicable fees and assessments at the rates applicable at the time of connection to the water main and sewer main, including but not limited to the following which are based on the rates applicable if the connections are made in 2015:

Stormwater and Flood PIF	$4,774.23
Total	**$4,774.23**

The above listed fee(s) may increase after 2015.

E. Execute a Promissory Note and Deed of Trust, if Applicants selected Payment Option #B, as described under Paragraph 4.B.(i) below.

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicants select **Option #B** set forth below.

A. Option #A: Payment in Full. The Applicants shall connect to the water main and sanitary sewer main within 180 days after the City's final acceptance of the water main and sanitary sewer main and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the water main and sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension.

B. Option #B: Payment Plan. The Applicants shall connect to the water main and sanitary sewer main within 180 days after the City's final acceptance of the water main and sanitary sewer main and shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the water main and sanitary sewer main, the Applicants shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicants' Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City water and sewer systems.

The City Manager may, in her discretion, approve a different time for connection to the water main and sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicants shall connect to the water main and sanitary sewer main at a time later than what is specified in Option #A and #B

above, but no later than the time when 1) the Applicants' on-site wastewater system fails or is declared unsafe, or the Applicants are otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) at the time Applicants' Property is Sold; or 3) at the time of Redevelopment of Applicants' Property, whichever occurs first. At the respective time and prior to the Applicants' connection to the water main and sanitary sewer main, the Applicants will pay the costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any other public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.

6. Use of Existing Wells. The City agrees not to prohibit the Applicants from using existing wells for irrigation purposes, even if the Property is served by the City's water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicants have connected to the City's water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.

7. Applicants Responsible for Legal Disconnection of On-site Wastewater System. If the Applicants decide to continue to use an existing on-site wastewater system, the Applicants agree that the Applicants will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicants are required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.

8. Historic Drainage. The Applicants agree to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

9. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicants agree not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

10. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and

operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming uses for which the Applicants have provided a written description that is received by the City in accordance with Paragraph 2.C above will be considered legal. The Applicants and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

11. Removal of Wood Roof Coverings. If any structures on the Property have wood roof coverings, the Applicants agree to submit a building permit application within two years of the effective date of the annexation ordinance to remove or cause to be removed all wood roof covering materials and to replace the removed roofing with approved roof covering materials which conform to the City of Boulder Building Code. Said removal and replacement of the wood roof covering materials must be completed within three years of the effective date of the annexation ordinance.

12. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.

13. Waiver of Vested Rights. The Applicants hereby waive any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicants acknowledge that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.

14. Dedications. The Applicants acknowledge that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.

15. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicants shall provide an original of this Agreement signed by Applicants, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicants. The Applicants agree that they will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.

16. No Encumbrances. The Applicants agree that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicants shall neither convey ownership nor further encumber the Applicants' Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicants agree not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.

17. Breach of Agreement. In the event the Applicants breach or fail to perform any required action, or fail to pay any fee specified, under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fail to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicants and collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledge that the adoption of the annexation ordinance is such enabling ordinance.

18. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.

19. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicants, the Applicants' heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

20. Right to Withdraw. The Applicants retain the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicants' right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicants withdraw from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding the Applicants. The City agrees, within 30 days of a request by the Applicants after a withdrawal, to return all previously submitted fees, application, and easement and/or rights of way dedication documents which the Applicants submitted pursuant to this Agreement to the City. The Parties agree that costs submitted to the City to cover survey work shall not be returned to the Applicants.

EXECUTED on the day and year first above written.

Applicants:

By: _____
Patton G. Lochridge

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 24th day of August, 2015, by Patton G. Lochridge.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

By: Claire C. Lochridge
Claire C. Lochridge

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me, a Notary Public, this 24th day of August, 2015, by Claire C. Lochridge.

Witness my hand and official seal.
My commission expires: 4-27-16

[SEAL]

Julia B. Chase
Notary Public

JULIA B. CHASE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 19964003812
MY COMMISSION EXPIRES APRIL 27, 2016

CITY OF BOULDER:

By:_____
Jane S. Brautigam, City Manager

ATTEST:

_____
City Clerk

Approved as to form:

Hella Pannewis
City Attorney's Office

Date: 8-24-2015

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

June 25, 2002

I. Background:

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

The Boulder Valley Comprehensive Plan provides a framework for annexation and urban service provision. With the 2001 update to the BVCP, Annexation Policy 1.25 was amended to provide more clarity about annexations. The amendments to the policy included the following:

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

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

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

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

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

III. Principles of Applying City Community Benefit Policy:

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

IV. Framework for Basic Annexation Conditions for All Properties:

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

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

V. Application of Community Benefit

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

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

B. Guidelines for properties with additional development potential.

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

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

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

C. Guidelines for specific property areas.

1. Enclave – Crestview East

a. All properties:
- Request that the applicant demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.

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

c. Properties with subdivision potential – split MR/LR zoning:
- 50% of any newly constructed units should be permanently affordable to low and middle income households.

d. Properties with subdivision potential – split LR/ER zones:
- 25% of any newly constructed units should be permanently affordable to middle income households; and
- Market rate units permitted on site should pay twice the applicable cash-in-lieu amount required by inclusionary zoning provisions.

e. Properties with subdivision potential – ER zones:
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit (prior to building permit).

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

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

redevelopment or other applicable developed zoning district standards.

b. Properties along Fourmile Canyon Creek:
- Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan.

3. Enclave – Pennsylvania Ave.

a. Three properties along the Wellman Canal (5255, 5303, and 5101):
- Attempt to secure through negotiation, dedication of a trail easement to the city to meet the objectives of the city's Transportation Master Plan.

b. For all properties:
- Request payment for share of sidewalk improvements along Pennsylvania Ave.

4. Enclave – 55th St.

a. Property with an MR land use designation (1415 55th St.):
If zoned LR-D,
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of building permit) or;
- Any newly constructed units must be permanently affordable to middle income households.

If zoned MR-D,
- 50% of any newly constructed units must be permanently affordable to low and middle income households.

b. Properties with an LR land use designation and further development potential (994, 836, 830 55th St. and 5495 Baseline Rd.):
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit (at the time of building permit).

5. Gould Subdivision

a. Three properties with additional development potential (2840 Jay Rd., 2818 Jay Rd., 4040 28th St.):

- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit.

6. Western Edge

a. Two properties with a VLR land use designation and development potential (0 Linden Dr., and 3650 4th St.):

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

b. Properties at 3365 4th St., 3047 3rd St., 2975 3rd St., and 2835 3rd St.:

- An open space conservation easement, for the portion of the property that is west of the ABlue Line," should be dedicated to the city.

7. Old Tale Rd./Cherryvale Rd.

a. Properties along South Boulder Creek:

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

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

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Climate and Energy	Energy Future and Associated Projects	Council	CC: Open Access Transmission Tariff			
			SS: Power Supply	SS (2): Rates, Energy Services, Power Supply	Project update	Project update
			Budget update	Budget update	Budget update	Budget update
		Staff Activities	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan	Municipalization Transition Plan
	Climate Commitment	Council		SS: Review interim goals, targets and strategies		
		Staff Activities	Launch action plan	Energy system transformation; blue print convening	Implementation based on action plan	Implementation based on action plan
Housing/Land Use Planning	Comprehensive Housing Strategy (Housing Boulder)	Council	Briefing	SS (2)		
		Staff Activities	Housing Matters launch event, engagement activities	Draft strategy development	Implementation based on adopted strategy	Implementation based on adopted strategy
	Sustainable Streets and Centers/ East Arapahoe	Council	SS: Direction of preferred scenario	SS : Draft plan and action plan		
				Next Corridor - 30th St or Colorado		
		Staff Activities	Develop East Arapahoe action plan			
	Resilience	Council	SS	Direction or IP	Direction or IP	Direction or IP
		Staff Activities	Develop scoping plan	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
	Boulder Valley Comprehensive Plan	Council		SS	Direction or IP	Direction or IP
		Staff Activities	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Transportation	Transportation Master Plan Implementation	Council	Update and coordinate with BVCP		Update and coordinate with BVCP	
		Staff Activities				
	Regional Travel	Council		Briefing		Briefing
		Staff Activities	Staff and elected official activities ongoing			
	Access Management and Parking Strategy (AMPS)	Council		SS : Review options & Update; including recommendations for TDM tool kit for new development	Council action on TDM Tool Kit for new development	Recommendations including planning code changes
						SS: Review options and update
		Staff Activities	Ongoing work plan in 7 focus areas	Ongoing work plan	Ongoing work plan	Ongoing work plan
			Alternatives analysis and specific option development		Specific option development/refinements	
			Joint Board workshop & public engagement		Joint Board workshop & public engagement	

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Project		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Civic Area	Civic Area Implementation	Council	SS: Parkland Concepts Plan	CC: Approval of Concept Plan		
		Staff Activities	Outreach to community & partners; create delivery plan for spring, summer, fall events	Deliver spring events	Deliver summer activities and events	Review 2015 activation; compare lessons from 2014 and revise for 2016
			Draft of parkland concept plan options for public workshop, Boards, Council review	Board/Commission input on Concept Plan	Begin detailed design work on park improvements	Complete detailed design work for bidding
			Develop overall site master plan concepts, begin to formulate major capital projects	Initial feasibility planning on major capital projects	Continue to develop capital projects, identify potential partners, explore financing options	Continue to develop capital projects, identify potential partners, explore financing options
Local Food	Sustainable Agriculture and Local Foods	Council	IP and local meals for Council Pilot		Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan	Council consideration of Local Food Procurement Policy; Review and acceptance of Ag Resources Management Plan
		Staff Activities				
Livability	University Hill Moratorium	Council	SS: Review options		IP	
			CC: Public Hearing and Decision			
		Staff Activities	Recommendation & development of ordinances, changes and recommend other strategies to address Moratorium goals	Follow up on other strategies & coordination with Hill Reinvestment Strategy; incorporate strategies into other work plan		
			Board review & public engagement		Board review & public engagement	
	University Hill Reinvestment Strategy	Council		Direction on 14th Street redevelopment proposal		SS
				SS: Update on strategy		
		Staff Activities	Residential service district (RSD) pilot program	RSD pilot program	RSD pilot program	RSD pilot program
			Work plan implementation	Work plan implementation	Work plan implementation	On-going work plan implementation
			Establish benchmarks and evaluation criteria	Commercial district: Eco Pass Study & Commercial bear dumpsters	Implement volunteer program for clean up	Evaluate existing programs
				Integration of strategy recommendations from Moratorium	Research options for sustainable governance & funding	Develop options for sustainable governance & funding
			14th Street Lot public/private partnership redevelopment options re: work force affordable housing	14th Street Lot public/private partnership redevelopment options re: work force affordable housing		
			Stakeholder engagement	Stakeholder engagement	Stakeholder engagement	Stakeholder engagement
	Homeless Action Plan	Council	IP: 2014 Accomplishments	SS: As part of Human Services strategy update		IP - Services and Regional coordination update
		Staff Activities				
	Community Cultural Plan	Council	Council update and input on testing phase	Briefing	SS: Adoption of Community Cultural Plan	
		Staff Activities	Research phase complete. Drafting phase complete. Testing phase begins	Testing phase complete. Certification phase begins	Implementation begins. New public art policy drafting	Public Art Policy drafting

City of Boulder
2015 Work Plan

(Tentative as of December 16, 2014)

	Projects		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Other	Boulder Junction	Council				
		Staff Activities	Ongoing redevelopment coordination	North Side of Pearl and Goose Creek bridge landscaping install. Bridge opens		Depot Square opens
	Capital Projects Activity	Council	Ongoing and Wastewater Collection System Rehabilitation program begins	Ongoing	SS: 2016-2021 CIP	Ongoing
		Staff Activities				
	CityWide Special Events	Council	Report on 2015 City Events			Summary of 2015 City Events
		Staff Activities	Implement new events application and internal review process	Refine systems as needed	Refine systems as needed	Improve events application for new online Landlinks System in 2016
	Community Broadband	Council	SS			SS
		Staff Activities	Broadband Action Group formation and consultant assessment	Consultant assessment continued	Consultant assessment continued	Present findings and recommendations
	Design Excellence	Council	SS: Staff Recommendations design tools/process changes	IP	CC: Draft recommendations/Adopt strategy	
		Staff Activities	Issues identification/ preliminary work on design tools/ process changes	Technical analysis /develop options	Draft recommendations	
			Public engagement	Boards/public engagement	Boards/public engagement	
	Flood-related Annexations	Council				
		Staff Activities	Flood Annexations - Individual	Flood Annexations - Old Tale Rd	Ongoing	Ongoing
	Human Services Strategy	Council		SS		Public Hearing
		Staff Activities				
	Flood Management	Council			IP: Stormwater Master Plan and Wastewater Collection System Master Plan consideration	
		Staff	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue	Stormwater Master Plan and Wastewater Collection System Master Plan updates continue		
	Smoking Ban - Implementation	Council	CC: Second reading			
		Staff Activities	Education campaign	Enforcement begins	Monitor Outcomes	Monitor Outcomes
	Vacation Rental by Owner (VRBO)	Council	SS			
		Staff Activities	Research regulations and possible fees or taxes			

COUNCIL MEMBERS

Matthew Appelbaum	Mayor
Suzanne Jones	Mayor Pro Tem
Macon Cowles	Council Member
George Karakehian	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 for the Department of Planning, Housing and Sustainability
Molly Winter	Director of Community Vitality
Heather Bailey	Executive Director of Energy Strategy and Electric Utility Development
Michael Calderazzo	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
James Cho	Municipal Court Administrator
Tracy Winfree	Open Space and Mountain Parks Director
Yvette Bowden	Parks and Recreation Director
Greg Testa	Police Chief
Maureen Rait	Executive Director of Public Works
Cheryl Pattelli	Director of Fiscal Services
Mike Sweeney	Acting Transportation Director
Jeff Arthur	Utilities Director

2015 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Morzel (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Cowles (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	Jones

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	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 Employees Salary Review	Cowles, Shoemaker
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Housing Strategy Process Sub-Committee	Morzel, Shoemaker, Young
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, Cowles (alternate)
Sister City Sub-Committee	Morzel, , Karakehian

	A	B	C	D	E	F
1	**Date**	**Status**	**Topic**		**Location**	**Contacts**
45	06/23/15	Council Recess June 17-July 12				
46	06/30/15	Council Recess June 17-July 12				
47						
48	07/14/15	Approved	Ballot Measures	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem
49		Approved	Discussion on Potential Head Tax	7:30-9 PM	Chambers	Elena Lazarevska/Bob Eichem
50						
51	07/30/15	Approved	**Briefing:** Civic Area Park Site Plan Update	5:30-6 PM	Chambers	Jeff Haley/Melinda Melton
52		Approved	Climate Commitment Goal and Strategy Proposal	6-7:30 PM	Chambers	Brett KenCairn/Melinda Melton
53		Approved	West Fourmile area (Ponderosa MHP) planning grant	7:30-9 PM	Chambers	Chris Meschuk/Melinda Melton
54						
55	08/11/15	Approved	2016 CIP Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem
56		Approved	Form-Based Code Pilot	7:30-9 PM	Chambers	Sam Assefa/Melinda Melton
57						
58	08/25/15	Approved	Demographic Trends Presentation: Elizabeth Garner	5:30-6:30 PM	Chambers	Elizabeth Garner
59		Approved	**Briefing:** BVCP Update	6:30-7:30 PM	Chambers	Lesli Ellis/Lauren Reader
60		Approved	TMP Implementation Follow Up (pending first check-in on 2/24)	7:30-9 PM	Chambers	Randall Rutsch/Rene Lopez
61						
62	09/08/15	Approved	Mid-Year Recruitment Interviews for Boards and Commissions	5:15-6 PM	1777 West	Heidi Leatherwood/Dianne Marshall
63		Approved	2016 Budget Study Session	6-8PM	Chambers	Elena Lazarevska/Bob Eichem
64		Approved	Emerald Ash Borer	8-9 PM	Chambers	Kathleen Alexander/Sally Dieterich
65						
66	9/17/2015	Approved	Resilience Stategy Study Session	6:30-7:30 PM	Chambers	Greg Guibert/Laruen Reader
67		Approved	Mobile Home Parks- focused on Policy	7:30-9 PM	Chambers	Jay Sugnet/Edy Urken
68		Approved	Chautauqua Lease Update	6-6:30 PM	Chambers	Carr/Hayward
69						
70	10/13/15	Approved	Development Fee Study	6-8PM	Chambers	Susan Richstone/Lauren Reader
71		Approved	Boulder Junction Update	8-9 PM	Chambers	David Driskell/Lauren Reader
72						
73	10/27/15	Approved	**Briefing:** Boulder Energy Future	5:30-6 PM	Chambers	Heather Bailey/Heidi Joyce
74		Approved	Human Services Strategy Update	6-7:30 PM	chambers	Karen Rahn
75		Approved	Homelessness	7:30-9 PM	Chambers	Karen Rahn
76						
77	11/12/15	Approved	AMPS Update	6-7:30 PM	Chambers	Molly Winter/Ruth Weiss
78		Approved	Broadband Working Group Status Update	7:30-9 PM	Chambers	Don Ingle
79						
80	11/24/15	Thanksgiving Holiday Week - No Meeting				
81						
82	**12/08/15**	Approved	**Briefing**: East Arapahoe Transportation Corridor Plan	5:30-6		Randall Rutsch/Rene Lopez
83		Approved	Utility Rate Study: Preliminary Findings	6-7:30 PM	Chambers	E Ameigh/J Arthur/R Lopez
84		Approved	Hill Reinvestment Strategy Update	7:30-9 PM	Chambers	Molly Winters/Ruth Weiss
85						
86	12/22/15	Christmas Holiday Week - No Meeting				
87	12/29/15	New Years Holiday Week - No Meeting				

October 20, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section	G	Time	Minutes
SPECIAL PRESENTATIONS	Solar Garden Declaration	10	Minutes
	Pearl Street Mall Declaration	10	
OPEN COMMENT		45	Minutes
CONSENT	Study Session Summary from 8/25: Envision East Araphahoe Trans Analysis and Medical office use-(Rutsch, Sanson, Hirt)	15	Minutes
	DBI 2016 budget and Board appointments		
	2nd Rdg Ordinance re: Property acquisition on 28th from Pearl to Glenwood for Transportation Improvement Project		
	3rd Rdg Building Performance		
	Resolution appointing external audit firm		
	8/25 Study Session summary TMP Implemenation Progress Update		
	Study Session Summary for 9/17: Resilience Strategy		
PUBLIC HEARINGS	2016 Budget Hearing 2	45	Minutes
	2nd rdg ord designate 2322 23rd St as a local historic landmark	30	minutes
	2nd rdg Continued Occupancy Enforcement- **No Public Hearing**	120	Minutes
	2nd rdg of Naropa 500 ft waiver request	45	minutes
			minutes
MATTERS FROM CITY MANAGER			Minutes
MATTERS FROM CITY ATTORNEY			Minutes
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS	Recommendation to Name the park at the Former Washington School Site and install sign		Minutes
	Total Estimated Meeting Time (Hours:Minutes)	5:10	

November 3, 2015 - ELECTION DAY - No Meeting

November 10, 2015 -
6:00 PM Business Meeting
Council Chambers, 1777 Broadway

Open Forum for Nominations for Mayor and Mayor Pro Tem 5-6 PM

Agenda Section	Item Name	Time	Minutes
SPECIAL PRESENTATIONS			Minutes
OPEN COMMENT		45	Minutes
CONSENT	Budget Hearing 3 rdg if necessary	15	Minutes
	1st rdg vacating the CM to execute a deed vacating 2 public access easements at 901 Pearl		
	Study Session Summary- Boulder Junction Update		
PUBLIC HEARINGS			
	Boulder Civic Area Phase I Park Development	60	Minutes
	RESERVED for PUBLIC HEARING- possibly 2nd rdg MJ Code and Policy Changes	120	Minutes
	Trigg-Delier Property Acquisition	10	Minutes
	Community Cultural Plan	60	Minutes
MATTERS FROM CITY MANAGER	Zero Waste Strategic Plan	30	Minutes
MATTERS FROM CITY ATTORNEY			Minutes
MATTERS FROM MEMBERS OF COUNCIL			Minutes
CALL-UPS			Minutes
	Total Estimated Meeting Time (Hours:Minutes)	5:40	

November 17, 2015- Swear in New Council Members
10 AM

November 17, 2015- Civic Area Winter Activation Event
5:30 PM - Civic Area

November 17, 2015- 1st meeting of New Council
6:30 PM Business Meeting
Council Chambers, 1777 Broadway

Agenda Section	Item Name	Time	Minutes
Council- Mayor/Mayor Pro Tem Election	Council Election of Mayor and Mayor Pro Tem	30	Minutes
SPECIAL PRESENTATIONS			Minutes
OPEN COMMENT		45	Minutes
CONSENT	First reading Second Budget Supplemental	15	Minutes
	1st rdg Rezoning .8 Acre of land located at 385 S. Broadway		
	Renew 10 yr lease w CPW for climbing access mgmt- Eldorado		
	1st rdg Leases for Point to Point Electrical conduit Crosssings		
	Study Session Summary re: Services Strategy Update 10/27/15		
	Study Session Summary re: Homelessness Update4 10/27/15		
PUBLIC HEARINGS			Minutes
			Minutes
MATTERS FROM CITY MANAGER	Motion to Accept 2016 HSF Recommendations	30	Minutes
	Update on Rec Marijuana Educational Program	60	Minutes
	2015 State and Fed legislative Agenda Description	40	minutes
MATTERS FROM CITY ATTORNEY			Minutes
MATTERS FROM MEMBERS OF COUNCIL	Select a new member for BVCP Process Committee for vacancy	10	Minutes
CALL-UPS			Minutes
	Total Estimated Meeting Time (Hours:Minutes)	3:20	

December 1, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section		**Time**	**Minutes**
SPECIAL PRESENTATIONS	Proclamation PAC-12 Conference Centennial Day-		
OPEN COMMENT		45	Minutes
CONSENT	Second Budget Supplemental - Second Reading	15	Minutes
	1st rdg to implement West Trail Study Area plan re: equine use and sledding		
	Gregory Creek Mitigation Plan		
	1st rdg annexation for 3.2 acre located at 4525 Palo Parkway RMX-2- needs to be annexed before 2/1 to be eligible for state afforadable housing funding		
	motion to approve 2015 State and Fed legislative Agenda Description		
	1st rdg Form Based Code Pilot Project Boulder Junction		
	1st rdg vacating the CM to execute a deed vacating 2 public access easements at 901 Pearl		
PUBLIC HEARINGS			
	2nd rdg Rezoning .8 Acre of land located at 385 S. Broadway	120	Minutes
	2nd rdg Leases for Point to Point electrical conduit Crossings	30	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**3:30**	
December 2, 2015 CU/COB Leadership Lunch			

December 15, 2015 Start Time: 6:00 PM Business Meeting Location: Council Chambers, 1777 Broadway			
Agenda Section	**Item Name**	**Time**	
SPECIAL PRESENTATIONS			
OPEN COMMENT		45	Minutes
CONSENT	2nd rdg to implement West Trail Study Area Plan re: equine use and sledding	15	Minutes
	BVCP - Joint hearing with Planning Board - **No other items to be scheduled for this evening:** Initial screening of Public requests, report on results of listening tour, results from BVCP survey, discucssion of focus areas and policy changes.	180	Minutes
MATTERS FROM CITY MANAGER			
MATTERS FROM CITY ATTORNEY			
MATTERS FROM MEMBERS OF COUNCIL			
CALL-UPS			
	Total Estimated Meeting Time (Hours:Minutes)	**4:00**	

6. MATTERS FROM THE CITY MANAGER

A. Update on **Comparative Site Analysis** related to a **Potential CU Hotel/Conference Center**

Due to the size of this file, this item has been posted separately and is available by accessing the following link: https://bouldercolorado.gov/links/fetch/27167

TO: Members of City Council

FROM: Danielle Sears, City Clerk's Office

DATE: October 6, 2015

SUBJECT: Information Packet

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1. CALL UPS

A. Vacation of a three-foot utility easement 364 square feet in size along the northeast property line at 3295 Longwood Ave.

B. CALL-UP ITEM and EXTENSION OF THE CALL-UP PERIOD 3390 Valmont Rd.; and 3085, 3155, 3195 Bluff St., referred to as S'PARK with Site and Use Review applications under case no.'s LUR2015-00010 and LUR2015-00011 per subsection 9-4-4(c) of the Boulder Revised Code.

C. Expansion of Whittier, W Pearl, & Mapleton Neighborhood Parking Program (NPP) and the creation of a New NPP Zone

2. INFORMATION ITEMS

A. 2015 Food Tax Rebate Program

B. Multi-Hazard Mitigation Plan 2015 Annual Review

C. Plans for the Implementation of the Initiated Ballot Measures if They Pass.

3. BOARDS & COMMISSIONS

A. Beverage Licensing Authority—August 19, 2015

B. Human Relations Commission—September 11, 2015

4. DECLARATIONS

A. Benji Durden Appreciation Day

B. Dale Stetina Appreciation Day

C. Lynn Hall Appreciation Day

D. PAC-12 Conference Centennial Day

E. Tim DeBoom Appreciation Day

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing and Sustainability
Charles Ferro, Development Review Manager
Sloane Walbert, Planner I

Date: September 28, 2015

Subject: **Call-Up Item:** Vacation of a three-foot utility easement 364 square feet in size (described as a "street light easement") along the northeast property line at 3295 Longwood Ave. (ADR2015-00126).

EXECUTIVE SUMMARY:

The applicant requests vacation of a three-foot utility easement at 3295 Longwood Avenue (refer to **Attachment D** for exact location) in order to construct an addition to a single-family home with eaves that encroach into the easement. The easement was originally dedicated on the Shanahan Ridge One Subdivision, recorded April 30, 1974. There is no public need for the easement because there are no public utilities located in the easement and there are no immediate plans to install a streetlight at this location. The proposed vacation was approved by staff on September 14, 2015. There is one scheduled City Council meeting on October 6, 2015 within the 30-day call-up period.

CODE REQUIREMENTS:

Pursuant to the procedures for easement vacations set forth in subsection 8-6-10(b), B.R.C. 1981, the city manager has approved the vacation of a 364 square foot utility easement. The date of final staff approval of the easement vacation was September 14, 2015 (refer to **Attachment E**, *Notice of Disposition*). This vacation does not require approval through ordinance based on the following criteria:

- It has never been open to the public; and
- It has never carried regular vehicular or pedestrian traffic.

The vacation will be effective 30 days later on October 14, 2015, unless the approval is called up by City Council.

FISCAL IMPACTS:

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:
None identified.

BACKGROUND:
The subject property is an approximately 7,990 square foot lot located in a Residential – Low 1 (RL-1) zone district (refer to **Attachment A**, *Vicinity Map*). The property is encumbered by a three-foot street light easement running along the northeast property line (refer to **Attachment B**, *Site Plan).* The applicant has obtained a building permit for an addition to and renovation of an existing single-family home. The second floor addition has a roof overhang that encroaches slightly into the subject easement.

The easement to be vacated was originally dedicated for the installation of a future street light in 1974. However, the street light was never installed and the easement unnecessarily encumbers the property. There are no public or private utilities or structural encroachments located in the easement to be vacated. Approval of the vacation has been submitted from electric/gas, telephone, and cable company representatives.

The Boulder Valley Comprehensive Plan contains a policy on Outdoor Lighting and Light Pollution (Policy 2.35), which states that the city *"will encourage the efficient use of outdoor lighting to reduce light pollution and conserves energy while providing for public safety. The city will seek to provide a nighttime environment that includes the ability to view the stars against a dark sky so that people can see the Milky Way Galaxy from residential and other appropriate viewing areas."* That said, there are provisions for the addition of street lights in Section 2.12, "Street Lighting," of the City's Design and Construction Standards (DCS). In particular, before considering new or additional local street light requests, the City requires unanimous consent of all affected owners of property within 100 feet of proposed street light locations. The installation costs of street light fixtures, excluding those that provide a demonstrated safety need, are paid by the applicant requesting the installation. The City assumes continued maintenance and energy costs associated with new installations. Thus, the vacation of the subject easement does not eliminate the possibility of street lighting in the area, if is determined to be necessary in the future.

Given that there is no public need for the easement for which it was intended, failure to vacate the requested easement would cause hardship to the property owner by limiting the development potential of the property.

ANALYSIS:
Staff finds the proposed vacation of an a three-foot utility easement consistent with the standard set forth in subsection (b) of section 8-6-10, "*Vacation of Public Easements*", B.R.C. 1981. Specifically, staff has determined that no public need exists for the easement to be vacated because all public utilities are located in public right-of-way or other easements and there are no immediate plans to install a street light in this location.

No vacation of a public easement shall be approved unless the approving agency finds that:

✓ 1. Change is not contrary to the public interest.

✓ 2. All agencies having a conceivable interest have indicated that no need exists, either in the present or conceivable future, for its original purpose or other public purpose.

✓ 3. Consistent with the Comprehensive Plan and Land Use Regulations.

✓ a. Failure to vacate the easement would cause a substantial hardship to the use of the property consistent with the Comprehensive Plan and Land Use Regulations; or

The easement is no longer necessary because a street light has not been installed at this location. The applicant is interested in constructing an addition to an existing single-family home where a portion of the new eaves would encroach into the subject easement. The existing easement unnecessarily limits the building design for the new home.

N/A b. Would provide a greater public benefit than retaining the property in its present status.

PUBLIC COMMENT AND PROCESS:

Notice of the vacation will be advertised in the Daily Camera within the 30-day call up period. Staff has received no written or verbal comments adverse to the vacation.

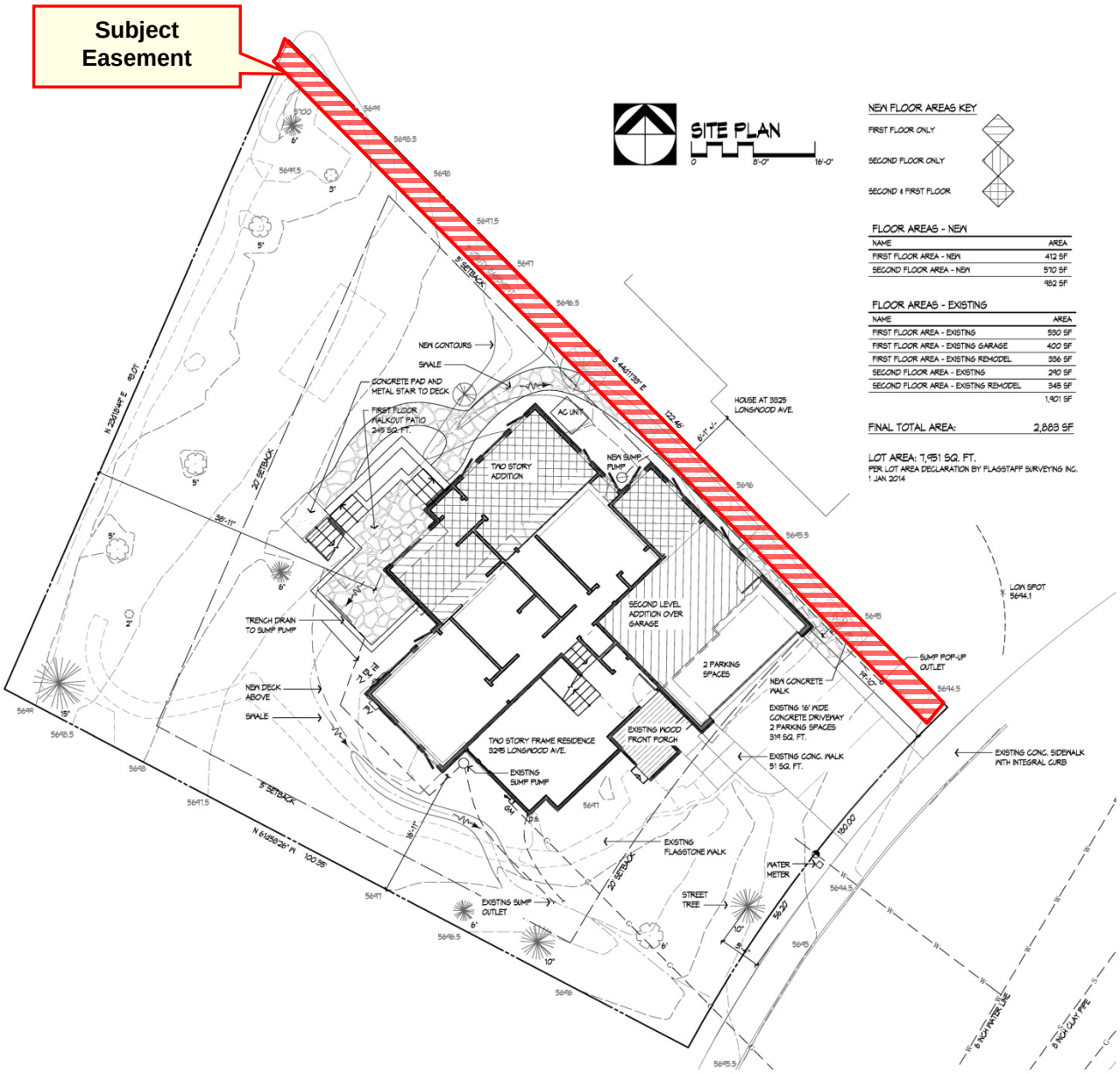
NEXT STEPS:

If the requested vacation is not called up by City Council then the Deed of Vacation (**Attachment C**) will be recorded. If the requested vacation is called up, and subsequently denied, the applicant will be limited to development on the property outside of the easement area.

ATTACHMENTS:

Attachment A: Vicinity Map
Attachment B: Site Plan
Attachment C: Deed of Vacation
Attachment D: Exhibit A
Attachment E: Notice of Disposition

Joliet Wy
Longwood Av
3295 Longwood Ave


Subject Easement
SITE PLAN
0
8'-0"
16'-0"
NEW FLOOR AREAS KEY
FIRST FLOOR ONLY
SECOND FLOOR ONLY
SECOND & FIRST FLOOR
FLOOR AREAS - NEW
NAME AREA
FIRST FLOOR AREA - NEW 412 SF
SECOND FLOOR AREA - NEW 570 SF
982 SF
FLOOR AREAS - EXISTING
NAME AREA
FIRST FLOOR AREA - EXISTING 530 SF
FIRST FLOOR AREA - EXISTING GARAGE 400 SF
FIRST FLOOR AREA - EXISTING REMODEL 336 SF
SECOND FLOOR AREA - EXISTING 240 SF
SECOND FLOOR AREA - EXISTING REMODEL 345 SF
1,901 SF
FINAL TOTAL AREA: 2,883 SF
LOT AREA: 7,951 SQ. FT.
PER LOT AREA DECLARATION BY FLAGSTAFF SURVEYING INC.
1 JAN 2014
NEW CONTOURS
SWALE
CONCRETE PAD AND METAL STAIR TO DECK
FIRST FLOOR WALKOUT PATIO 249 SQ. FT.
AC UNIT
NEW SUMP PUMP
TWO STORY ADDITION
HOUSE AT 3325 LONGWOOD AVE.
SECOND LEVEL ADDITION OVER GARAGE
2 PARKING SPACES
TRENCH DRAIN TO SUMP PUMP
NEW DECK ABOVE
SWALE
TWO STORY FRAME RESIDENCE 3325 LONGWOOD AVE.
EXISTING SUMP PUMP
EXISTING WOOD FRONT PORCH
EXISTING FLAGSTONE WALK
EXISTING SUMP OUTLET
STREET TREE
WATER METER
SUMP POP-UP OUTLET
NEW CONCRETE WALK
EXISTING 16' WIDE CONCRETE DRIVEWAY 2 PARKING SPACES 314 SQ. FT.
EXISTING CONC. WALK 51 SQ. FT.
EXISTING CONC. SIDEWALK WITH INTEGRAL CURB
LOW SPOT 5694.1
5' SETBACK
20' SETBACK
N 25°03'54" E 50.01'
S 44°11'55" E 122.46'
N 64°58'26" W 100.35'
38'-11"
16'-11"
16'-10"
50.20'
130.00'
8 INCH WATER LINE
8 INCH CLAY PIPE

For Administrative Purposes Only
Address: 3295 Longwood Ave.
Case No. ADR2015-00126

DEED OF VACATION

The City of Boulder, Colorado does hereby vacate and release to the present owner of the subservient land, in a manner prescribed by Subsection 8-6-10(b), B.R.C. 1981, the following street light easement previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of Shanahan Ridge One at Reception No. 00101045, on the 30th day of April, 1974, located at 3295 Longwood Avenue and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

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

Executed this _____ day of _____, 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

9-14-2015
Date

EXHIBIT A

LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

A 3' STREET LIGHT EASEMENT DESCRIBED IN THE RECORDS OF BOULDER COUNTY, RECORDED APRIL 30, 1974 AT RECEPTION NO. 00101045, TO BE VACATED, LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3, BLOCK 2, SHANAHAN RIDGE ONE, THENCE 3.05 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 179.87 FEET, AN INCLUDED ANGLE OF 0°58'15" AND SUBTENDED BY A CHORD BEARING SOUTH 45°19'20" WEST, A DISTANCE OF 3.05 FEET; THENCE NORTH 44°12'43" WEST, 121.18 FEET TO A POINT ON THE NORTHWESTERLY LINE OF LOT 3; THENCE NORTH 23°18'49" EAST, 3.23 FEET TO THE NORTH CORNER OF LOT 3; THENCE SOUTH 44°12'43" EAST 122.35 FEET TO THE POINT OF BEGINNING.

SAID VACATED PORTION CONTAINING 364 SQ.FT. OR 0.008 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

COLORADO REGISTERED JOHN B. GUYTON 16406 PROFESSIONAL LAND SURVEYOR

7/31/15

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,112

JOB NUMBER: 14-64,112
DRAWN BY: B.HAAS
DATE: 07/29/2015

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

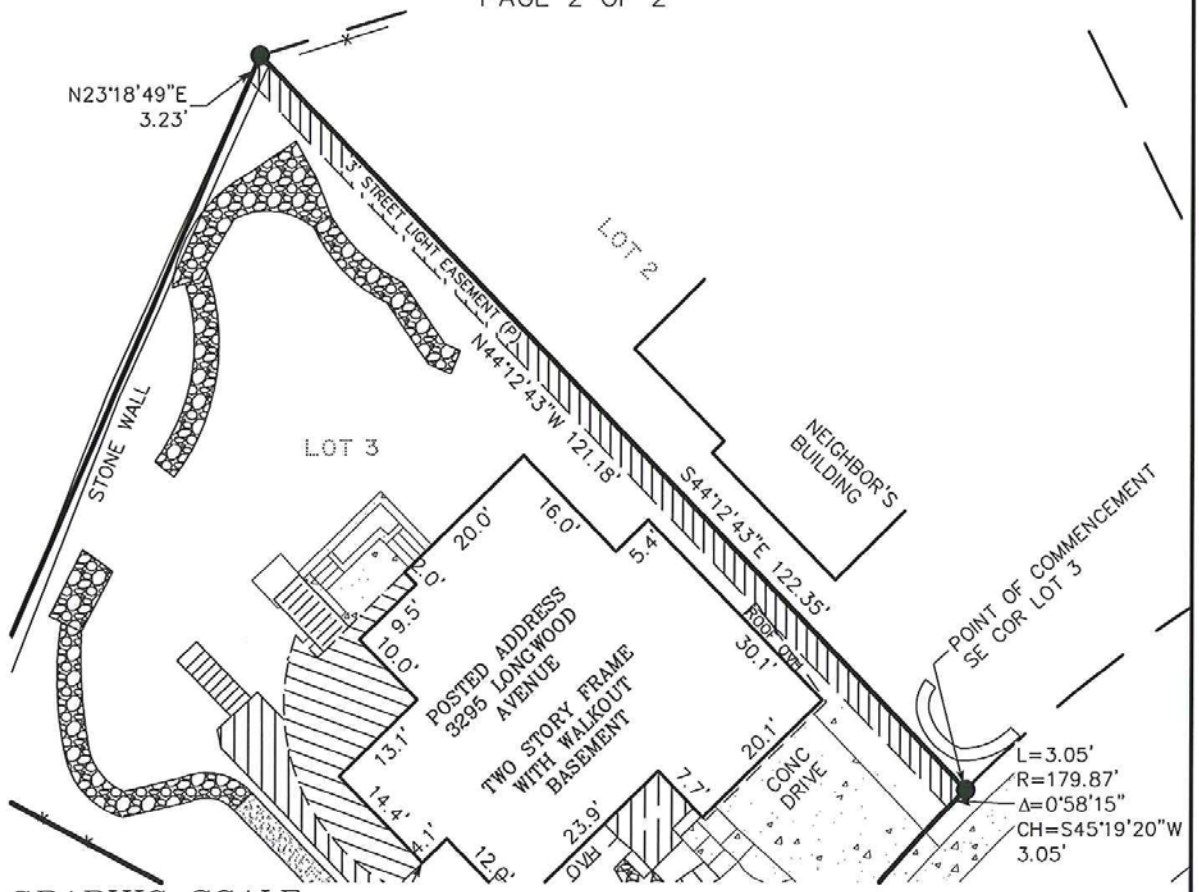
Flatirons, Inc.
Surveying, Engineering & Geomatics
3825 IRIS AVE, STE 395
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 443-9830
www.FlatironsInc.com

BY:BHAAS FILE:64112-ESMT-VACTION.DWG DATE:7/29/2015 10:47 AM

EXHIBIT A

LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 1 SOUTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

PAGE 2 OF 2



GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

PORTION OF UTILITY EASEMENT
TO BE VACATED
AREA = 364 SQ. FT.

COLORADO REGISTERED
JOHN E. GOSS
16400
PROFESSIONAL LAND SURVEYOR

7/31/15

JOB NUMBER: 14-64,112
DRAWN BY: B.HAAS
DATE: 07/29/2015

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BY:BHAAS FILE:64112-ESMT-VACTION.DWG DATE:7/29/2015 10:47 AM

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 boulderplandevelop.net

ADMINISTRATIVE REVIEW
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department:

DECISION:	Approved
DATE:	September 14, 2015
REQUEST TYPE:	Vacation/Easement
ADDRESS:	3295 Longwood Ave.
APPLICANT:	David Swoboda, DF Swoboda Architecture
CASE #:	ADR2015-00126
LEGAL DESCRIPTION:	Lot 3, Block 2, Shanahan Ridge One, County of Boulder, State of Colorado
DESCRIPTION:	EASEMENT VACATION to vacate a 364 square foot portion of a six-foot utility easement (described as a "street light easement") along the northeast property line at 3295 Longwood Ave.

FINAL DECISION STANDARDS:
Approved as submitted. This application is approved per the criteria for Vacation of Public Easements as set forth in section 8-6-10, B.R.C. 1981. This approval does not constitute building permit approval.

This approval is limited to the vacation of a 364 square-foot portion of an existing street light easement, previously dedicated to the City of Boulder and recorded in the records of the Boulder County Clerk and Recorder on the final plat of the Shanahan Ridge One Subdivision at Reception No. 00101045 on April 30, 1974.

INFORMATIONAL COMMENTS:
Pursuant to section 8-6-10(b), B.R.C. 1981, approval of an easement vacation "is not effective until thirty days after the date of its approval. Promptly after approving the vacation, the manager will forward to the city council a written report, including a legal description of vacated portion of the easement and the reasons for approval. The manager will publish notice of the proposed vacation once in a newspaper of general circulation in the City within thirty days after the vacation is approved. Upon receiving such report and at any time before the effective date of the vacation, the council may rescind the manager's approval and call up the vacation request for its consideration at a public hearing, which constitutes a revocation of the vacation."

This decision is final and may not be appealed. A new request may be considered only as a new application.

Approved By: S Walbert
Sloane Walbert, Planning Department

INFORMATION PACKET
MEMORANDUM

TO: Members of City Council

FROM: Jane S. Brautigam, City Manager
David Driskell, Executive Director of Planning, Housing &Sustainability
Susan Richstone, Deputy Director of Planning, Housing & Sustainability
Charles Ferro, Development Review Manager
Elaine McLaughlin, Senior Planner

DATE: October 6, 2015

SUBJECT: **CALL-UP ITEM** and **EXTENSION OF THE CALL-UP PERIOD** 3390 Valmont Rd.; and 3085, 3155, 3195 Bluff St., referred to as S'PARK with Site and Use Review applications under case no.'s LUR2015-00010 and LUR2015-00011 per subsection 9-4-4(c) of the Boulder Revised Code.

If City Council decides to review the Planning Board's decision, the item must be called-up at the *October 6, 2015* **meeting** which is the only City Council meeting scheduled during the extended call-up period.

EXECUTIVE SUMMARY:

On Sept. 3, 2015, the Planning Board unanimously approved (7-0) the above-referenced applications with conditions as provided in the attached Notice of Disposition (**Attachment A),** finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981 and the Use Review criteria of Land Use Code section 9-2-15(e), B.R.C. 1981; along with the Boulder Valley Comprehensive Plan policies and the Transit Village Area Plan. Approval of the application would permit redevelopment of the former Sutherland's Lumber property along with three other parcels located to the south and west of the site as a new neighborhood referred to as "S'PARK." The board, also at that same time, approved four connection changes to the Transit Village Area Plan Connections Plan that meet the intent of the connections plan. Because those changes also require City Council approval, a related memo that describes those changes is under a separate agenda item for October 6, 2015.

The proposed new Boulder Junction neighborhood consists of several distinct buildings or projects that include a total of 247 residential units including townhomes, live/work units, for-sale condominiums and apartments; and which include 77 units that are proposed to be permanently

affordable to residents with qualifying incomes. Also proposed is a total of 111,300 square feet of commercial space in the form of retail, restaurants and office space. There are a total of 714 bike parking spaces, both short and long term; along with a wrapped parking structure for automobile parking provided as a part of the Boulder Junction Access District and contribute to a total of 443 automobile parking spaces.

The staff memorandum to Planning Board and other related background materials are available on the city website for Planning Board, follow the links: *www.bouldercolorado.gov* ➔*A to Z* ➔*Planning Board* ➔*search for past meeting materials planning board* ➔*2015* ➔*9.3.2015 PB Packet.*

EXTENSION OF CALL-UP PERIOD:

The Planning Board's approval is subject to a 30-day call-up period by City Council. However, the 30-day call-up period cannot be met due to the fact that council will not receive notice of the board's decision to call-up the decision prior to the next regularly scheduled meeting on October 6, 2015. The Land Use Code, subsection 9-4-4(c), "*City Council Call-up,*" B.R.C. 1981 states:

> *"The City Manager may extend the call-up period until the council's next regular meeting, if the manager finds in writing within the original call-up period that the council will not receive notice of a decision of the board in time to enable it to call-up the decision for review."*

The city manager finds that, because the next regularly scheduled City Council meeting is after the call-up period, it will not receive notice of the Planning Board's decision regarding the S'PARK project in time to consider call-up within 30 days. Therefore, the City Manager extends the call-up period for this application until the day after the City Council's next scheduled meeting on October 6, 2015.

Call-Up Period Extension Approved By:

_____

Jane S. Brautigam, City Manager

S'PARK BACKGROUND

This proposed project was reviewed as a Concept Plan, first on March 6, 2014 for the western portion of the site area referred to as "S'PARK_west" and for the majority of the area planned as "S'PARK" the Planning Board reviewed the Concept Plan on Sept. 4, 2014. At the time, there were two separate areas being planned and both the Planning Board and staff recommended the applicant return with a comprehensive Site Plan that included the two areas combined, as is currently under consideration. The minutes and audio of the March 2014 hearing is **here** and the Sept. 2014 is **here**. Once an application for Site Review was submitted for the comprehensive Site Review for the S'PARK plan, the Boulder Design Advisory Board (BDAB) reviewed the project in three separate meetings, on April 8, April 15, and July 15, 2015. The minutes of the BDAB meetings are provided in the Planning Board packet at weblink cited above.

In April 2015, City Council approved ordinance no. 8028 to limit the eligibility of buildings that could exceed the by-right height limits through the existing Site Review process to specific areas

and situations. The approved ordinance allows the consideration of height modifications through site review only in those areas with a clearly defined, approved vision for future development, including Boulder Junction. The intent in including Boulder Junction properties was to reinforce the community's vision of an urban form with higher intensity and taller buildings only in select, transit-rich areas, and areas which had been vetted and approved through a planning process such as the Transit Village Area Plan.

SUMMARY OF PROPOSED PROJECT

The Site and Use Review applications are under case no.'s LUR2015-00010 and LUR2015-00011 respectively and are for the proposed redevelopment of the 10.9 acre former Sutherlands Lumber site including 3390 Valmont Rd.; and 3085, 3155, 3195 Bluff St. within the northern portion of Boulder Junction. The proposal is to create a new mixed use, mixed income neighborhood comprised of six distinct areas:

- **Markt**: an 55,340 square foot, four story commercial mixed use building with an approximately 7,832 square foot brewpub with a 3,202 square foot tap room restaurant and a 4,630 square foot brewery production area as well as three micro restaurants on the ground floor along with upper story office;
- **Ciclo:** a four story mixed use, 57,901 square foot building with the ground floor planned as the non-profit bicycling organization, Community Cycles, and with 32 permanently affordable apartments above;
- **Railyards:** an approximately 70,155 square foot, four story commercial mixed use building with ground floor retail including an approximately 2,500 square foot restaurant on the north end of the building and a 3,500 square foot restaurant on the south end of the building both with outdoor dining; and upper story office;
- **Timber Lofts:** an approximately 167,288 square, foot four-story apartment building with 121 apartments along with eight townhomes and ground floor office and retail;
- Meredith House: a four story, 15 unit residential condominium loft building of 20,754 square feet;
- **S'PARK_west** with 45 units of permanently affordable attached residential, and 24 market rate townhomes.

Figure 1 presents the site plan keyed to images of the different planned areas of the neighborhood. Use Review applications addressed the three planned restaurants with outdoor seating greater than 300 square feet within 500 feet of a residential area. The proposed project includes parks, below grade parking, new transportation connections per the TVAP connections plan, a woonerf (shared pedestrian street), and a public plaza in anticipation of the future rail stop. The applicant is pursuing Vested Rights per section 9-2-19, B.R.C. 1981. The project plans in their entirety are available in for review in the City Council office of the City Manager's Office.

Meredith House

Ciclo

Markt

Railyards

S'PARK_west

S'PARK_west

Timberlofts

PLANNING BOARD HEARING

The Planning Board reviewed the application on two planned hearing dates: Sept. 2, and Sept 3, 2015. In the hearings, the board discussed following key issues:

1. Does the proposed project, including modifications to height, number of stories, and setbacks meet the Site Review criteria of section 9-2-14(h), B.R.C. 1981?

2. Is the proposed urban design and planning for the proposed project consistent with the Transit Village Area Plan (TVAP) intent and design guidelines?

3. Is the proposed change to the Transit Village Area Plan Connections Plan for connections 9, 10, 12 and 13 consistent with the requirements under TVAP?

4. Does the Use Review for the Brewpub and the two small restaurants all meet the Use Review criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981?

SUMMARY OF ANALYSIS

In unanimously approving the Site and Use Review applications, the Planning Board found that the proposal to be consistent with the Site Review criteria of the Land Use Code subsection 9-2-14(h), and 9-2-15(e), B.R.C. 1981 because:

1. The project was found to be consistent with the Site Review Criteria of section 9-2-14(h), B.R.C. 1981 in that the proposed project will provide a new mixed use and mixed income neighborhood with pedestrian amenities and buildings of high caliber design and materials. A consistency analysis of the proposed project with the site review criteria is provided in ***Attachment B***. The proposed neighborhood also establishes new connections; new gathering spaces and opportunities for new residential and commercial uses. Below is an excerpt from the applicant's digital model of S'PARK looking north.

The Site Review criteria also require that a project be found to be consistent with the Boulder Valley Comprehensive Plan and the proposal was found to be consistent with a

significant number of BVCP policies as listed below. The full text of each policy within the BVCP can be found **here**. As noted in the BVCP,

> *"Many of the key policies in the Boulder Valley Comprehensive Plan stem from long-standing community values and represent a clear vision of our community"*

In that regard, the BVCP notes the city's commitment to environmental, economic, and social sustainability for a welcoming and inclusive community where there is a culture of creativity and innovation and where "*compact, contiguous development and infill supports evolution to a more sustainable form."* Among the most relevant BVCP policies that the proposed project is found to be consistent with are the following:

1.02 Principles of Environmental Sustainability
1.03 Principles of Economic Sustainability
1.04 Principles of Social Sustainability
2.01 Unique Community Identity
2.03 Compact Development Pattern
2.09 Neighborhoods as Building Blocks
2.14 Mix of Complementary Land Uses
2.16 Mixed Use and Higher Density Development
2.17 Variety of Activity Centers
2.21 Commitment to a Walkable and Accessible City
2.22 Improve Mobility Grid
2.30 Sensitive Infill and Redevelopment
2.32 Physical Design for People
2.37 Enhanced Design for Private Sector Projects
4.05 Energy-Efficient Building Design
7.01 Local Solutions to Affordable Housing
7.02 Permanently Affordable Housing
7.04 Strengthening Community Housing Partnerships
7.06 Mixture of Housing Types
7.09 Housing for a Full Range of Households
7.10 Balancing Housing Supply with Employment Base

Regarding social sustainability, S'PARK is planned to include two, 100 percent permanently affordable residential projects: Ciclo and Spark_west affordable housing (at 3155 Bluff Street) for a total of 56 affordable units to be located on-site. Ciclo is proposed as affordable rental apartments to meet the inclusionary requirement for the market rate rental apartments at Timber Lofts. Spark_west affordable housing (3155 Bluff Street) is a city-funded affordable rental project. The inclusionary housing requirement for the remaining 39 market rate, for-sale units is proposed to be met with cash-in-lieu for the Meredith House and the S'PARK_west townhomes.

2. The urban design and planning for the proposed project is consistent with the Transit Village Area Plan (TVAP) intent and design guidelines in that the city anticipated high density residential and mixed use commercial buildings through TVAP. A portion on the east side of the proposed project is located in the TVAP (MU2) Mixed Use-2 Land Use Area and Rail Plaza Character District of TVAP; and the western portion is located within the High Density

Residential – 1 Land Use Area and the Steelyards Character District of TVAP.

Shown below in Figure 2 is an excerpt from page 17 of TVAP for the Mixed Use 2 land use area where the buildings on the eastern half of the site are located, shown in Figure 3, and further defined within the Rail Plaza Character District:

"*The district will evolve into a high-density, commercial and residential mixed use area, with three- to five-story buildings.*"

Figure 2:
Excerpt from TVAP page 17

Figure 3:
S'PARK Buildings within MU2 land use area and Rail Plaza Character District

Shown below in Figure 4 is an excerpt from page 32 of TVAP for the High Density Residential– 1 (HDR-1) land use area where the buildings on the western half of the site are located, shown in Figure5, and further defined within the Steelyards Character District of TVAP as being located where:

"The industrial uses on the north side of Bluff Street will transition to high-density residential, such as urban townhouses."

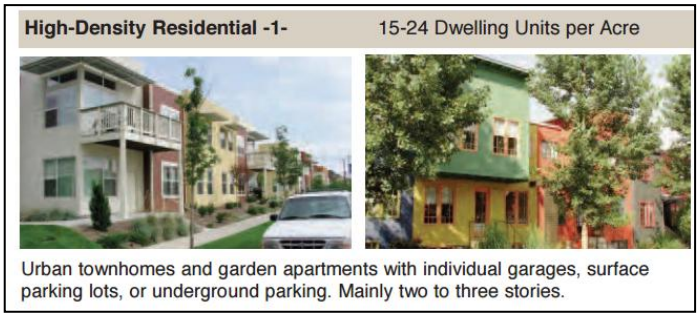

Figure 4:
Excerpt from TVAP page 17

Figure 5:
S'PARK Building within MU2 land use area and Rail Plaza Character District

3. The proposed changes to the Transit Village Area Plan Connections Plan for connections 9, 10, 12 and 13 were found to be consistent with the objectives of TVAP in that the

proposed changed connections are appropriately spaced and establish a fine-grained, multimodal network.

4. Does the Use Review for the proposed brewpub planned within the Markt building, along with two restaurants planned within the Railyards building of 2,500 and 3,500 square foot respectively meet the Use Review criteria of the Land Use Code section 9-2-15(e), B.R.C. 1981 in that

PUBLIC NOTIFICATION

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. A second public notice was sent to all property owners within 600 feet along with neighborhood group contacts for both Orchard Grove Mobile Home Park and San Juan del Centro Apartments notifying neighbors of both the Planning Board hearing and a Good Neighbor Meeting. On Aug. 24, 2015, a Good Neighbor Meeting was held on site at 3390 Valmont Rd. The intent of the meeting was to present the project plans and the management plan for the proposed restaurants. There were five attendees, four of whom worked in nearby office buildings and one of whom was a property owner on 30th Street. All of the attendees indicated support for the proposed project.

All notice requirements of section 9-4-3, B.R.C. 1981 have been met. There were 15 comment letters received regarding the applications all of which indicated support and interest in the proposed project. The applicant also indicated to staff that the applicant team met at various times prior to Site and Use Review applications with neighborhood representatives for surrounding HOAs to review project planning.

At the Planning Board hearing there were 15 members of the public who addressed the Planning Board about the applications and all of them indicated support for the proposed project.

CONCLUSION

By a unanimous vote (7-0) the Planning Board approved the applications with conditions. Consistent with the land use code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board, it may call up the application within an extended 30-day call up period which expires on Oct. 6, 2015, and it may consider this application for call-up at its **Oct. 6, 2015** public meeting.

ATTACHMENTS:

A. Planning Board Notice of Disposition dated Sept. 3, 2015
B. Project Plans and Written Statement

CITY OF BOULDER
Community Planning & Sustainability
1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER
PLANNING BOARD
NOTICE OF DISPOSITION

You are hereby advised that on September 3, 2015 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**
PROJECT NAME: **MARKT, CICLO, RAILYARDS, TIMBER LOFTS, S'PARK_WEST (3085 Bluff) AND S'PARK_WEST (3155 Bluff)**
DESCRIPTION: **Site and Use Reviews for the redevelopment of the 10.9 acre former Sutherlands Lumber site: within the northern portion of Boulder Junction to create a new mixed use and mixed-income neighborhood comprised of seven individual areas:**

- **Markt: a 55,340 square foot, four story commercial mixed use building with an approixmately 7,832 square foot brewpub with a 3,202 square foot tap room resturant and a 4,630 square foot brewery production area as well as three micro restaurants on the ground floor along with upper story office;**
- **Ciclo: a four story mixed use 57,901 square foot building with the ground floor housing retail space and with 32 apartments above;**
- **Railyards: an approximately 70,155 square foot, four story commercail mixed use building with ground floor retail including an approximately 2,500 square foot restaurant on the north end of the building and a 3,500 square foot restaurant on the south end of the building both with outdoor dining and upper story office;**
- **Timber Lofts: an approximately 167,288 square foot, four-story apartment building with 121 apartments along with 8 townhomes and ground floor office and retail;**
- **Meredith House: a four story, 15 unit residential condominium building of 20,754 square feet;**
- **S'PARK_west (3085 Bluff): 24 townhomes; and (3155 Bluff): 45 townhomes and apartments.**
- **The project includes a new pocket park, new transportation connections per the TVAP connections plan, a woonerf shared street, and a public plaza in anticipation of the future rail stop.**
- **The Use Reviews are for three restaurants with outdoor seating greater than 300 square feet in size within 500 feet of a residential area.**

Address: 3390 VALMONT RD

LOCATION: **3390 VALMONT ROAD; 3085, 3155, AND 3195 BLUFF STREET**
COOR: **N04W03**
LEGAL DESCRIPTION: **See Exhibit A attached**
APPLICANT: **SCOTT HOLTON, ELEMENT PROPERTIES**
OWNERS: **SUTHERLAND BUILDING MATERIAL SHOPPING CENTERS, INC.;**
1240 CEDAR LLC;
3155 ELEMENT LLC; AND
3195 BLUFF ELEMENT LLC
APPLICATION: **Site Review (LUR2015-00010) and Use Reviews (LUR2015-00011)**
ZONING: **MU-4 and RH-6**
CASE MANAGER: **Elaine McLaughlin**
VESTED PROPERTY RIGHT: **Yes, the Applicant is seeking to create vested rights.**

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:

For MU-4 Buildings:

- Minimum front yard setback from a street for 3rd story & above:
  Approval for zero setbacks for the third story and above where 20 feet is the standard by-right setback for all of the MU-4 zoned buildings: Markt, Ciclo, Railyards, Meredith House, and Timber Lofts.

- Maximum front yard setbacks on corner lots where 10 feet is the maximum:
  Approval for greater front yard setbacks along Valmont Road for Ciclo building of 22'-3"; Timber Lofts building of 12'-9"; and Markt building of 16'-5".

- Maximum side yard setbacks adjacent to streets where 10 feet is the maximum:
  Approval for front yard setbacks for Ciclo building of 16'-7", Timber Lofts building of 11'-11"; and Markt building of 13'-9".

- Maximum number of stories:
  Approval for all of the MU-4 zoned buildings, Markt, Ciclo, Railyards, Meredith House, and Timber Lofts, to be four and five stories in height where three stories is the by-right standard.

- Maximum principal building height:
  Approval to exceed the by-right height maximum of 38 feet as follows:
  Ciclo: 44'-6"; Markt: 49'-1"; Railyards: 50'-0"; Timber Lofts: 49'-8"; Meredith House: 47'-2"

- Maximum floor area of any principal building:
  Modification of the standard by-right maximum floor area of any principal building of 15,000 square feet:
  Ciclo: 57,901 square feet; Markt: 55,340 square feet; Railyards: 70,155 square feet; Timber Lofts: 167,228 square feet; Meredith House: 20,754 square feet.

For RH-6 Buildings:

- Minimum front and side setbacks:
  3085 Bluff: Front on Bluff: 0 lot line where 15 feet is standard; Front on Meredith Street: 11 feet where 15 feet is standard; Side facing a street: 3'-8" where 10 feet is minimum.
  3155 Bluff: Front on Bluff: 0 lot line

This decision may be called up before the City Council on or before **October 6, 2015.** If no call-up occurs, the decision is deemed final on **October 7, 2015**.
FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Address: 3390 VALMONT RD

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

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

At its public hearing on September 3, 2015 the Planning Board approved the request with the following motion:

Motion by A. Brockett, seconded by L. Payton, that the Planning Board approve (7-0) the amendments to the TVAP Connections Plan shown on the Applicant's plans finding such amendments to be consistent with the objectives of the Connections Plan in that the proposed connections are appropriately spaced and establish a fine-grained, multimodal network of transportation connections.

Motion by A. Brockett, seconded by J. Putnam, that the Planning Board approve (7-0) the Site Review no. LUR2015-00010 and Use Review no. LUR2015-00011, incorporating the staff memorandum and the attached Site and Use Review Criteria Checklists as findings of fact, subject to the recommended conditions of approval found in the staff memo with the following amendments:

1. A new condition shall be added to the conditions of approval for the site review to read:

   Prior to a Technical Document Review application for a Final Plat, the Applicant must obtain City Council approval of the amendments to the to the Transit Village Area Plan shown on the Applicant's plans that eliminate, through connection consolidation or otherwise, stretches of connections, including connections number 9 and 11.

2. A new condition shall be added to the conditions of approval for the site review to read:

   Prior to a building permit application for the S'PARK_west buildings, the Applicant shall submit the following items for the review and approval by the City Manager and review and recommendation by the Boulder Design Advisory Board:

   a. Final architectural plans, including materials and colors, to ensure compliance with the intent of this approval, the site review criteria and the TVAP design guidelines. The final architectural plans for the elevations of all S'PARK_west buildings shall show a simpler composition with fewer changes in materials and form from the first floor to the roof to ensure compliance with the site review criteria. Any modification to the design must be approved through this design review process prior to issuance of a building permit.

3. A new condition shall be added to the conditions of approval for the site review to read:

   From 6:00 a.m. to 10:00 p.m. seven days a week, the pocket park shown on the plans as Meredith Park and the open space area in the north-west corner of the Property shall be open to use by all residents of the Property and their guests. The midblock east-west connection through 3155 Bluff and the east-west connection through the interior courtyard of the Timberlofts buildings shall

remain open from 6:00 a.m. to 10:00 p.m. seven days a week for all residents of the Property and their guests.

4. A new condition shall be added to the conditions of approval for the site review to read:

   The building permit plans for each building shall show that conduit is preinstalled in each building to support the installation of roof top solar panels and, for buildings providing parking, for future expansion of electric vehicle charging stations.

5. Conditions 1.b. of the conditions of approval for the use reviews for the three restaurants shall be revised to read:

   1.b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.

CONDITIONS OF APPROVAL – SITE REVIEW LUR2015-00010

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.

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

   a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent, elevations, plans and details shown on the approved plans dated August 21, 2015 is acceptable. The final architectural plans shall show the transformer boxes currently shown near the southwest corner of the proposed Markt building and on the northwest corner of the planned Railyards Building; relocated to a less visible location or architecturally screened or integrated into a building or other site feature. The City Manager will review plans to assure that the architectural intent is performed. The project plans shall also illustrate an outdoor seating area for the micro restaurants of less than 300 square feet per micro restaurant or be subject to Use Review for outdoor seating of 300 feet or greater within 500 feet of a residential use module.

   b. A **final site plan** which includes detailed floor plans and section drawings.

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

   d. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards.

   e. **Final transportation plans** meeting the City of Boulder Design and Construction Standards, Standard Specifications for Traffic Signal Materials and Installation and CDOT Access Code Standards, for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, multi-use path plan and profile drawings; street and multi-use path cross-sectional drawings, traffic signal plans; signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation and transit stop detail drawings, geotechnical soils and pavement analysis.

Address: 3390 VALMONT RD

f. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Landscape plans shall provide significant amounts of plant material sized in excess of the landscaping requirements of Sections 9-9-12, "Landscaping and Screening Standards," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.

g. A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.

h. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C.

3. Prior to a building permit application, the Applicant shall submit an application for a revised **Preliminary Plat** and a Technical Document Review application for a **Final Plat**, subject to the review and approval of the City Manager and execute a subdivision agreement meeting the requirements of chapter 9-12, "Subdivision," B.R.C. 1981 and which provides, without limitation and at no cost to the City, for the following:

   a. The dedication, to the City of all easements and right-of-way necessary to serve the development, including, but not limited to, the easements shown on the approved plans dated August 21, 2015 on file in the City of Boulder Planning Department, and the dedication of a 14-foot wide public access easement (for pedestrians and bicyclists) from the terminus of the Bluff Street right-of-way to the public access easement being dedicated for the north/south multi-use path adjacent to the BNSF Railway right-of-way.

   b. The vacation of all easements where vacations are necessary for construction of the development.

   c. The construction of all public improvements necessary to serve the development, including, but not limited to, the following:

      i. A traffic signal at the intersection of Valmont Road at 34th Street.
      ii. A left-turn lane and "quiet zone" raised median on westbound Valmont Road east of 34th Street.
      iii. A transit stop on Valmont Road.
      iv. A six-foot side landscape strip and ten-foot wide detached multi-use path/sidewalk on Valmont Road.
      v. A 12-foot wide multi-use path along the eastern property line and adjacent to the BNSF Railway Company right-of-way from the southern property line to Valmont Road. The applicant is responsible for connecting the multi-use path to the approved multi-use path to be constructed by "The Commons" Project (located at 2440 and 2490 Junction Place) and for providing a temporary multi-use path around the existing building on Lot 4 of Block 5.
      vi. A raised concrete table on 34th Street within the street's roadway curve at a location approved by staff which will allow for a future crosswalk pursuant to the City's Pedestrian Crossing Treatment Installation Guidelines when warrants are meet.
      vii. Street lighting along Junction Place, Meredith Street and 34th Street.
      viii. Extending the left-turn lane on southbound 30th Street at Bluff to 75-feet.
      ix. The north side of Bluff Street from 31st Street to the road's terminus at the proposed Woonerf.

Address: 3390 VALMONT RD

x. 32nd Street from Bluff Street to the north property line.
xi. Junction Place from Bluff Street to the north property line.
xii. Meredith Street from 32nd Street to 34th Street.
xiii. All alleys with a dedicated public access easement.
xiv. All sidewalks with a dedicated public access easement.
xv. Stormwater quality improvements and stormwater detention improvements, including but not limited to permeable parking lot paving.

4. Prior to a Technical Document Review application for a Final Plat, the Applicant must obtain City Council approval of the amendments to the to the Transit Village Area Plan shown on the Applicant's plans that eliminate, through connection consolidation or otherwise, stretches of connections, including connections number 9 and 11.

5. Prior to a building permit application for the S'PARK_west buildings, the Applicant shall submit the following items for the review and approval by the City Manager and review and recommendation by the Boulder Design Advisory Board:

   a. Final architectural plans, including materials and colors, to ensure compliance with the intent of this approval, the site review criteria and the TVAP design guidelines. The final architectural plans for the elevations of all S'PARK_west buildings shall show a simpler composition with fewer changes in materials and form from the first floor to the roof to ensure compliance with the site review criteria. Any modification to the design must be approved through this design review process prior to issuance of a building permit.

6. From 6:00 a.m. to 10:00 p.m. seven days a week, the pocket park shown on the plans as Meredith Park and the open space area in the north-west corner of the Property shall be open to use by all residents of the Property and their guests. The midblock east-west connection through 3155 Bluff and the east-west connection through the interior courtyard of the Timberlofts buildings shall remain open from 6:00 a.m. to 10:00 p.m. seven days a week for all residents of the Property and their guests.

7. The building permit plans for each building shall show that conduit is preinstalled in each building to support the installation of roof top solar panels and, for buildings providing parking, for future expansion of electric vehicle charging stations.

Address: 3390 VALMONT RD

CONDITIONS OF APPROVAL FOR THE BREWPUB
LOCATED WITHIN THE MARKT BUILDING - USE REVIEW LUR2015-00011

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 and the Applicant's written statement dated August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

    a. The Applicant shall operate the business in accordance with the management plan dated August 21, 2015 which is attached to this Notice of Disposition.

    b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.

    c. No electronically amplified music or other entertainment shall be provided on the patio after 10:00 p.m.

    d. Size of the approved use shall be limited to 9,700 square feet. The total number of indoor seats for the approved use shall not exceed 182. Patio area will not exceed 50 outdoor seats.

    e. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

CONDITIONS OF APPROVAL FOR THE 3,500 SQUARE FOOT RESTAURANT
LOCATED AT THE SOUTH END OF THE RAILYARDS - USE REVIEW LUR2015-00011

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 and the Applicant's written statement dated August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

    a. The Applicant shall operate the business in accordance with the management plan dated August 21, 2015 which is attached to this Notice of Disposition.

    b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.

    c. No electronically amplified music or other entertainment shall be provided on the patio after 10:00 p.m.

    d. Size of the approved use shall be limited to 3,500 square feet. The total number of indoor seats for the approved use shall not exceed 120 seats. Patio area will not exceed 30 outdoor seats. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

Address: 3390 VALMONT RD

CONDITIONS OF APPROVAL FOR THE 2,500 SQUARE FOOT RESTAURANT LOCATED AT THE NORTH END OF THE RAILYARDS - USE REVIEW LUR2015-00011

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on August 21, 2015 and the Applicant's written statement dated August 21, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

    a. The Applicant shall operate the business in accordance with the management plan dated August 21, 2015 which is attached to this Notice of Disposition.

    b. The approved use shall be closed from 11:00 p.m. to 6:00 a.m. seven days per week.

    c. No electronically amplified music or other entertainment shall be provided on the patio after 10:00 p.m.

    d. Size of the approved use shall be limited to 2,500 square feet. The total number of indoor seats for the approved use shall not exceed 82 seats. Patio area will not exceed 30 outdoor seats.

    e. All trash located within the outdoor dining area, on the restaurant property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

By: _____
David Driskell, Secretary of the Planning Board

Address: 3390 VALMONT RD

EXHIBIT A
LEGAL DESCRIPTIONS

3085 Bluff

LOT 1, "KBOL MINOR SUBDIVISION", AS SET FORTH AND DESCRIBED ON KBOL MINOR SUBDIVISION LOT LINE ELIMINATION MAP RECORDED OCTOBER 5, 2005 AT RECEPTION NO. 2727584, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED ON SAID LOT LINE ELIMINATION MAP AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER PARCEL "A", KBOL MINOR SUBDIVISION, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO; THENCE SOUTH 89°48'20" WEST, ALONG THE SOUTH LINE OF SAID PARCELS "A" AND "B", KBOL MINOR SUBDIVISION, A DISTANCE OF 292.23 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B"; THENCE NORTH 00°07'15" WEST, ALONG THE WEST LINE OF SAID PARCEL "B", A DISTANCE OF 201.98 FEET; THENCE NORTH 89°48'45" EAST, A DISTANCE OF 131.51 FEET; THENCE NORTH 00°07'15" WEST, A DISTANCE OF 138.00 FEET TO A POINT ON THE CENTERLINE OF VACATED MEREDITH STREET (VACATION RESOLUTION RECORDED AUGUST 9, 1950 IN BOOK 871 AT PAGE 390); THENCE NORTH 89°48'45" EAST, ALONG CENTERLINE OF VACATED MEREDITH STREET A DISTANCE OF 160.70 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE SOUTH 00°07'30" EAST, ALONG THE EAST LINE OF SAID PARCELS "A" AND "B", A DISTANCE OF 339.95 FEET, TO THE POINT OF BEGINNING.

3155 Bluff

LOT 10 AND THE SOUTH ½ OF VACATED MEREDITH STREET ADJACENT THERETO SAID VACATION RECORDED MAY 21, 1863 IN BOOK 871 AT PAGE 390, WALKER'S SUBDIVISION, COUNTY OF BOULDER, STATE OF COLORADO.

3195 Bluff

LOT 9 AND THE SOUTH ½ OF VACATED MEREDITH STREET ADJACENT THERETO, SAID VACATION RECORDED MAY 21, 1863 IN BOOK 871 AT PAGE 390, WALKER'S SUBDIVISION, COUNTY OF BOULDER, STATE OF COLORADO.

3390 Valmont

PARCEL I:

THE EAST 1/3 OF LOT 4, AND THE WEST 49.4 FEET OF LOT 5, WALKER'S SUB-DIVISION, TOGETHER WITH THE NORTH 1/2 OF THAT CERTAIN TRACT OF LAND FORMERLY DESIGNATED AS MEREDITH STREET, ADJACENT TO LOTS 4 AND 5, WALKER'S SUBDIVISION, VACATED BY RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO RECORDED AUGUST 9, 1950 IN BOOK 871 AT PAGE 390 IN THE OFFICE OF THE CLERK AND RECORDER, BOULDER COUNTY, COLORADO;

AND

LOT 8, WALKER'S SUB-DIVISION, TOGETHER WITH THAT PORTION OF THE SOUTH 1/2 OF VACATED MEREDITH STREET ADJOINING SAID LOT 8 ON THE NORTH, AS VACATED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO RECORDED AUGUST 9, 1950 IN BOOK 871 AT PAGE 390;

LESS AND EXCEPT THAT PARCEL OF PROPERTY CONVEYED TO THE COUNTY OF BOULDER BY WARRANTY DEED DATED OCTOBER 27, 1981 AND RECORDED OCTOBER 29, 1981 UNDER RECEPTION NO. 470382 , COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL II:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., BOULDER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29; THENCE SOUTH 00°09'55" EAST ALONG THE WESTERLY LINE OF SAID NORTHEAST ¼ OF THE NORTHEAST 1/4 A DISTANCE OF 40.50 FEET TO THE POINT OF BEGINNING; THENCE FOLLOWING TWO (2) COURSES ALONG THE SOUTHERLY AND EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN DEED RECORDED FEBRUARY 5, 1982 UNDER, RECEPTION NO. 482601 , BOULDER COUNTY CLERK AND RECORDER'S OFFICE: 1) NORTH 89°41'28" EAST ALONG A LINE 40.50 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 29 A DISTANCE OF 60.66 FEET; 2) THENCE NORTH 24°33'16" EAST A DISTANCE OF 11.57 FEET; THENCE NORTH 89°41'28" EAST ALONG A LINE 30.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 34.88 FEET; THENCE SOUTH 23°58'53" WEST ALONG A LINE 25 FEET WESTERLY OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD TRACK A DISTANCE OF 995.61 FEET; THENCE SOUTH 89°39'35" WEST ALONG THE NORTHERLY DEED LINE OF VACATED HILL STREET, BY RESOLUTIONS RECORDED APRIL 8, 1958 IN BOOK 1071 AT PAGES 320 AND 335 , BOULDER COUNTY CLERK AND RECORDER'S OFFICE, A DISTANCE OF 152.49 FEET; THENCE NORTH 23°55'31" EAST A DISTANCE OF 328.76 FEET TO THE NORTHERLY LINE OF LOT 21, WALKER'S SUB-DIVISION, WHENCE THE NORTHWEST CORNER OF SAID LOT 21 BEARS SOUTH 89°40'35" WEST A DISTANCE OF 125.17 FEET; THENCE NORTH 00°19'25" WEST ALONG A LINE PERPENDICULAR TO BLUFF STREET A DISTANCE OF 40.00 FEET; THENCE NORTH 89°40'35" EAST ALONG THE CENTERLINE OF SAID BLUFF STREET A DISTANCE OF 20.99 FEET; THENCE NORTH 00°19'25" WEST ALONG A LINE PERPENDICULAR TO SAID BLUFF STREET A DISTANCE OF 40.00 FEET; THENCE NORTH 00°47'17" WEST ALONG THE WESTERLY LINE OF LOT 7, WALKER'S SUB-DIVISION A DISTANCE OF 299.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE NORTH 00°19'03" WEST ALONG A LINE PERPENDICULAR TO VACATED MEREDITH STREET A DISTANCE OF 40.00 FEET; THENCE NORTH 89°40'57" EAST ALONG THE CENTERLINE OF SAID VACATED MEREDITH STREET A DISTANCE OF 195.90 FEET; THENCE NORTH 00°19'03" WEST ALONG A LINE PERPENDICULAR TO VACATED MEREDITH STREET A DISTANCE OF 40.00 FEET TO THE SOUTHERLY LINE OF LOT 5, WALKER'S SUB-DIVISION; THENCE NORTH

00°09'55" WEST ALONG A LINE 112.00 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 5 A DISTANCE OF 137.33 FEET; THENCE NORTH 89°41'27" EAST ALONG A LINE 40.50 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29, ALSO BEING THE SOUTHERLY LINE OF A PARCEL OF LAND DESCRIBED IN FILM 1196, RECEPTION NO. 482601, BOULDER COUNTY CLERK AND RECORDER'S OFFICE A DISTANCE OF 112.00 FEET TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

Due to the size and number of pages of the plan set, Attachment B was too large to include in the memo. Therefore, a complete set of plans is available in the City Council office of the City Manager's Office.

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Molly Winter, Director, Downtown and University Hill Management Division and Parking Services (DUHMD/PS)
Kurt Matthews, Parking Manager, DUHMD/PS

Date: October 6, 2015

Subject: Call Up Item: Expansion of the Mapleton, Whittier and West Pearl Neighborhood Parking Permit (NPP) zones and the creation of a New NPP zone: Aurora

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EXECUTIVE SUMMARY:

The purpose of this memorandum is present to City Council the expansion of the Mapleton, Whittier and West Pearl Neighborhood Parking Permit program (NPP) Zones and the creation of a new zone: Aurora. The recommended zone additions and new zone qualify under the program guidelines including petition and parking occupancy requirements and have neighborhood support. The Transportation Advisory Board unanimously supported the staff recommendation.

The expansions include:
Mapleton Hill NPP (Attachment A)
East & West sides of the 2300 block of 9th St.
East & West sides of the 2400 block of 8th St.
East & West sides of the 2400 block of 7th St.
East & West sides of the 2200 block of 6th St.
North & South sides of the 500 block of Pine St.
North & South sides of the 500 block of Highland Ave.

West Pearl NPP (Attachment B)
East side of the 1900 block of 6th St.
North and South sides of the 300 block of Pearl St.

Whittier NPP (Attachment C)
North & South sides of the 2000 block of Mapleton Ave.

New Zone – Aurora (Attachment D)
North & South sides of the 3500 and 3600 blocks of Madison Ave.
East & West sides of the 1000 and 900 blocks of 35th St.
East & West sides of the 1000 and 900 blocks of 36th St.

SUMMARY OF STAFF PROPOSAL: Staff recommends the expansion of the following NPP zones as presented in the following attachments:

- Mapleton Hill, (See Attachment A)
- West Pearl (See Attachment B)
- Whittier (See Attachment C)
- Aurora (See Attachment D)

BOARD FEEDBACK:

The Transportation Advisory Board unanimously supported the staff proposal at their meeting on September 14, 2015.

IMPACTS:

Fiscal - The Transportation Division estimates that the costs to implement NPP's are $600 per block face, including fabrication of signage and labor to install. The proposed expansions total approximately 36 block faces so the implementation costs could be approximately $21,600. Staff would need to conduct field work to determine the final number and placement of signs. We currently have approximately $12,500 in funds for the expansion. Staff will have to prioritize and install some signage in 2015, the remainder will be held to 2016 for implementation unless additional funds can be identified.

Additional revenues will be generated from the sale of NPP permits – resident, commercial and business; however the revenues will be offset with the additional administrative costs. Also additional enforcement revenue will be generated from the tickets; however, enforcement revenues in NPP's do not cover the cost of enforcement.

Staff Time - If approved, the expansions would result in an addition of approximately 36 block faces to the existing inventory of NPP's and would have an impact on the NPP administration and budget. Enforcement is an important component to effectiveness of the NPP program. Currently, the NPP zones are generally enforced two to three times per week on a rotating basis. The addition of the expansions will impact enforcement capabilities and frequency.

BACKGROUND:

The NPP program was created in 1996 as a modification of the original Residential Parking Program (RPP). The purpose of the program is to promote neighborhood livability while providing balanced access to city right-of-way. The program works by creating limited access to city streets in neighborhood areas through permit restrictions. Between 1996 and 2002, eight

zones were established: Columbine, Fairview, Goss/Grove, High/Sunset, Mapleton Hill, Whittier, University Hill and University Heights. In 2008, two new zones – West Pearl and East Ridge/Pennsylvania - were created. Please see Attachment F for a background description of the program.

SURVEY PROCESS/QUALIFICATION CRITERIA

New Zones: Following the receipt of a petition with 25% of the residents requesting a new zone, a survey is conducted to assess whether the block(s) meets the NPP regulation criteria. These criteria are: at least one block face must have greater than 75% parking occupancy for at least 4 hours between 9 a.m. and 5 p.m. with at least 25% of the parked vehicles parked by individuals who do not live in the neighborhood. For other blocks to qualify, they must be contiguous to a qualifying block and have greater than 60% parking occupancy for at least 3 hours between 9 a.m. and 5 p.m. with at least 25% of the vehicles parked by individuals who do not live in the neighborhood.

Expansion Petitions: For all the expansion requests, Parking Services staff was used to survey the number of parked vehicles on the street between 9 a.m. and 5 p.m. Since an NPP already existed adjacent to these petition blocks, and parking demand had already been established. According to the NPP qualification criteria for adding to an existing zone, blocks should have an occupancy rate of 60% for a period of 3 hours during the 9 a.m. to 5 p.m. period and be contiguous to the existing zone directly or through other added block faces.

ANALYSIS:

West Pearl Expansion: Petitions were received for the blocks and they met the expansion criteria.

Whittier Expansion: A petition was received for the additional block and it met the expansion criteria.

Mapleton Zone Expansion: Petitions were received for all blocks and met the expansion criteria except Highland (50% occupied during our counts); however, staff is modifying its initial proposal to recommend inclusion of the Highland blocks since there is support from many of the residents, and any nearby expansion will directly affect the occupancy of this block with parking spillover onto Highland.

Aurora NPP

Petitions were received for all blocks on 35th, 36th, 37th and Madison and all blocks met the criteria except 37th Street. Initially, staff proposed including 37th Street north to Aurora despite the fact that the block does not meet occupancy criteria anticipating spillover. However, staff is not recommending inclusion of 37th Street since there is not sufficient support from the residents.

PUBLIC PROCESS

Initial proposals and maps were sent to the all the effected zone addresses as well as to residences in the surrounding neighborhood for Mapleton Hill, West Pearl, Whittier and Madison NPP areas. The flyer included information about an open house and the TAB public hearing on 9/14/2105. The open house was held on July 15, 2015 in the lobby of the Municipal Building

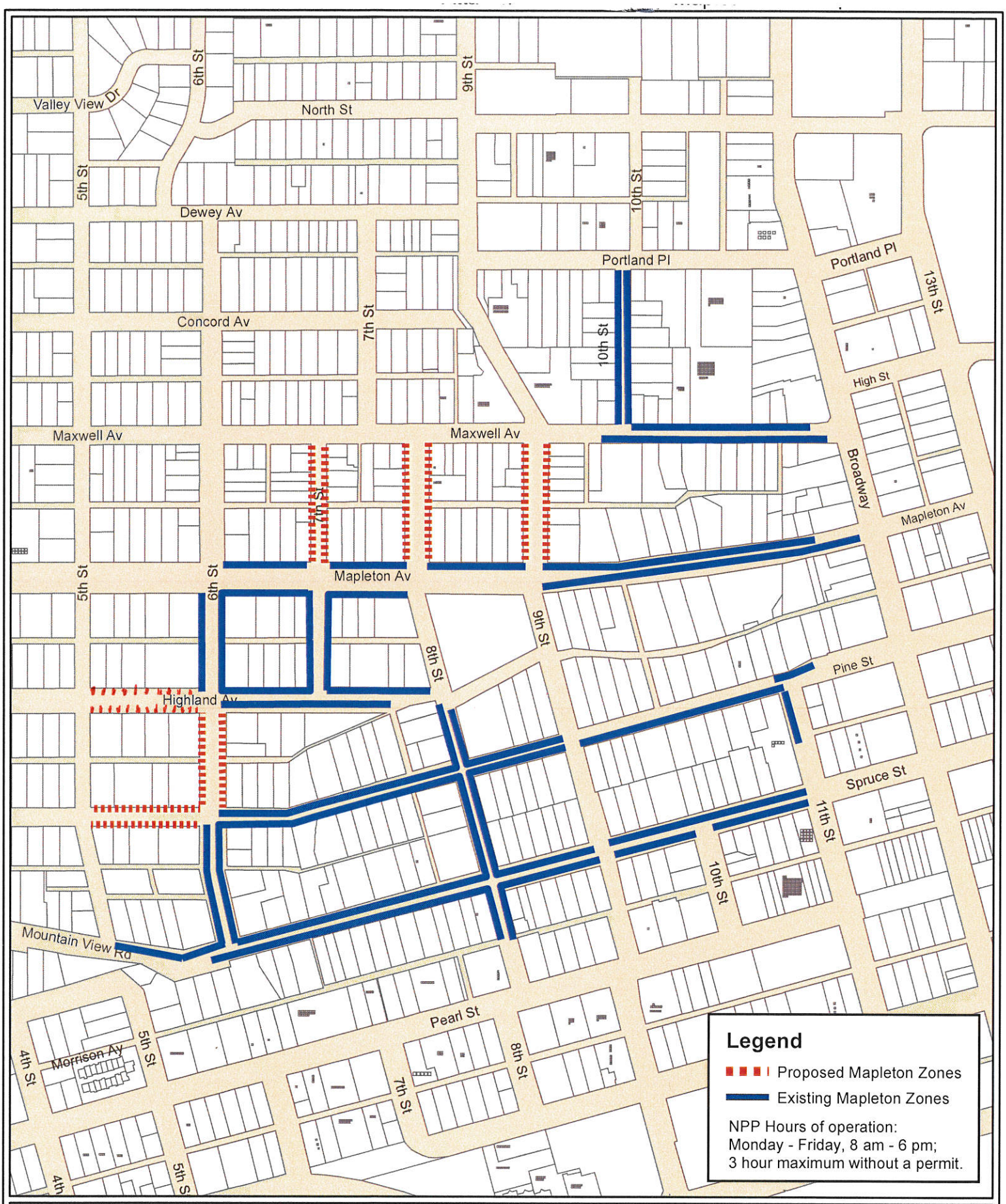
from 4:00pm to 6:00pm. Numerous emails were received and included as part of the public outreach and feedback, Attachment E.

NEXT STEPS:

Unless called up by City Council, the expansions and the new zones will go into effect on November 5, 2015. As noted above, implementation schedule will be determined by the amount of funds available for signage and installation.

ATTACHMENTS:

Attachment A: Proposed Mapleton NPP Expansion
Attachment B: Proposed West Pearl NPP Expansion
Attachment C: Proposed Whittier NPP Expansion
Attachment D: Proposed New Zone Creation: Aurora
Attachment E: Public Input Regarding Proposed Mapleton, West Pearl, Whittier NPP Expansion, and New Zone Aurora Proposal
Attachment F: NPP Background

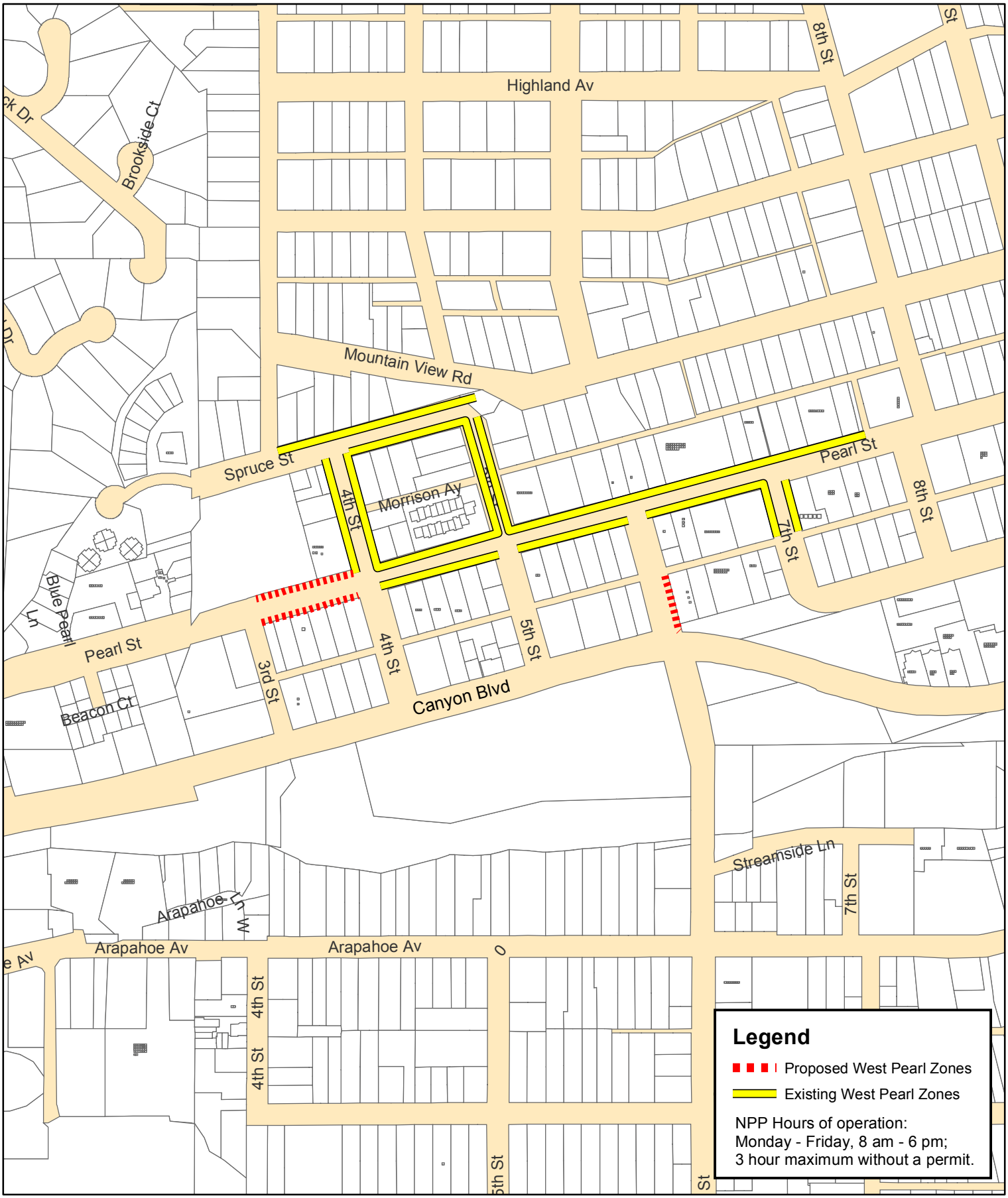


Mapleton Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 400 feet

City of Boulder

06.21.15

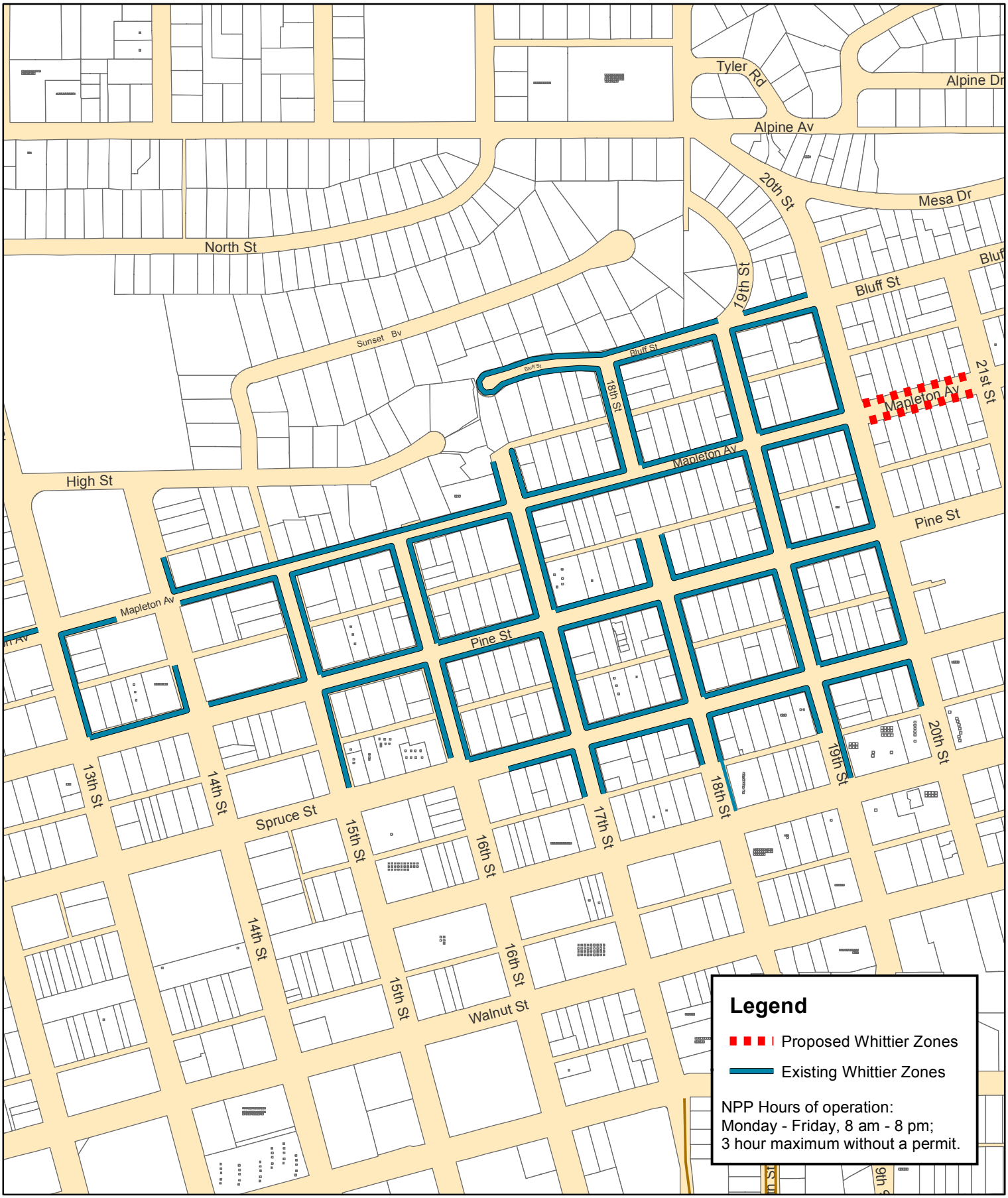


West Pearl Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 350 feet

City of Boulder

06.21.15

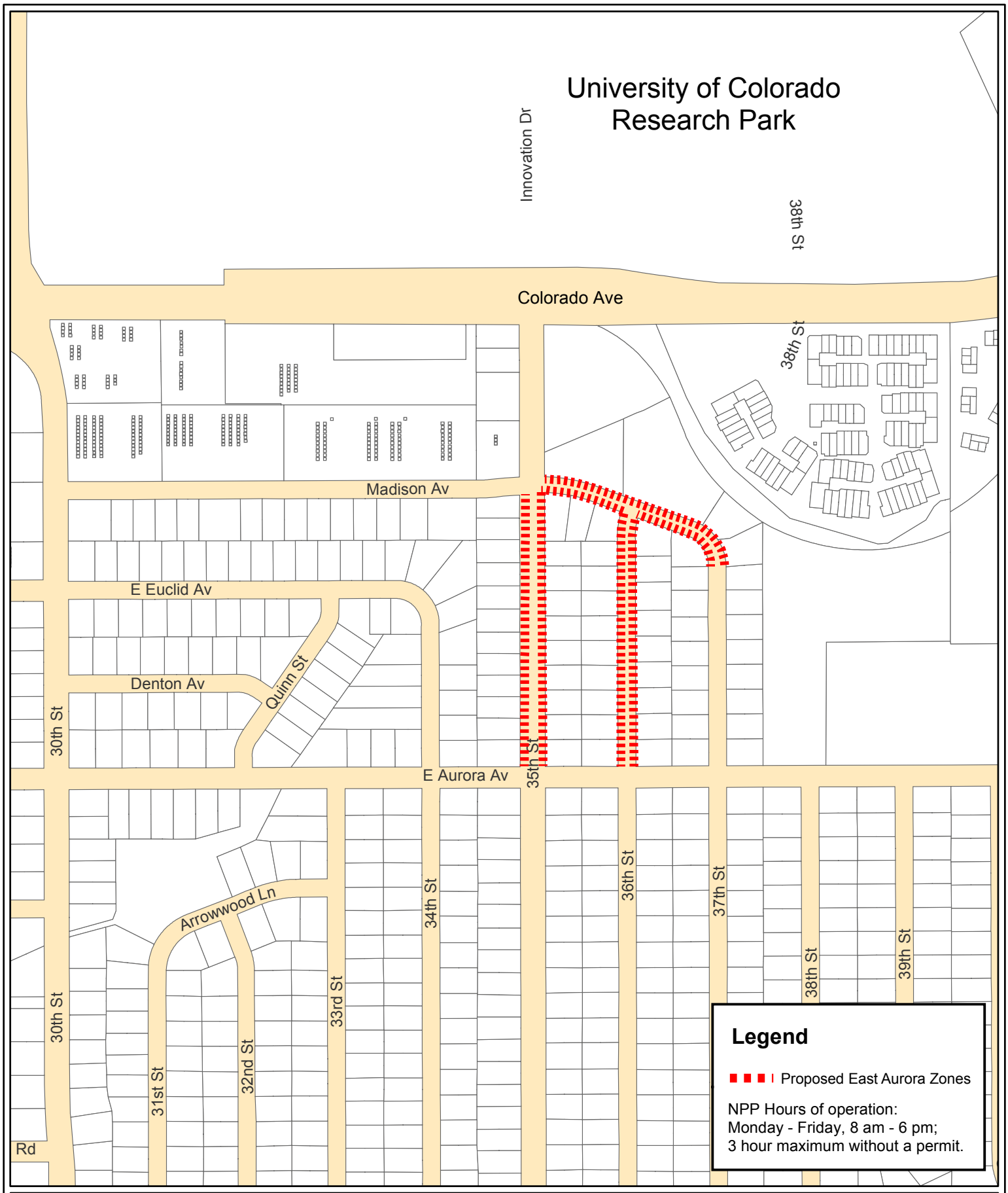


Whittier Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 400 feet

City of Boulder

06.21.15



East Aurora Proposed Expansion Neighborhood Parking Permit (NPP) Zone

1 inch = 350 feet

City of Boulder

09.02.15

Matthews, Kurt

From: Amy Zuckerman <zuckerman.amy@gmail.com>
Sent: Tuesday, July 07, 2015 10:22 PM
To: Matthews, Kurt
Subject: Proposed Mapleton Parking Permit

Hi,

I wanted to register my opposition to this proposal, as it is simply not needed and will be a nuisance and detriment to the neighborhood.

Sincerely,
Amy Zuckerman

Matthews, Kurt

From: khornbar@aol.com
Sent: Wednesday, July 08, 2015 7:54 PM
To: Matthews, Kurt
Subject: Proposed New Neighborhood Parking Permit Zone Expansion: Mapleton

Dear Mr. Matthews,

My husband and I live at 445 Pine Street and received the notice regarding the proposal to extend parking permits to include the 500 block of Pine Street. As residents of the 400 block of Pine Street since September 2007, we strongly oppose restricting parking on this block without including the 400 block also. As we know you've heard from other residents of our block, it is notorious for the lack of parking, especially during the daytime. By restricting parking on the streets to the east, it will inevitably push the parking problem further west to our block. In fact, without including the 400 block in the expansion, it will be left as an unregulated "island," since Pine Street ends at Fourth Street.

.

Nearly every home on the 400 block of Pine Street lacks a usable garage, so residents must park on the street. Many residents have teenagers/nannies who drive and park a third car, as well as various contractors and cleaning services that utilize additional street parking. Construction parking is often problematic as well, with large trucks taking up several spaces for long periods of time. All of these activities will no doubt continue. Additionally, some residents run businesses out of their homes that can generate additional vehicle parking on the block.

In sum, we do not need more pressure placed on the very limited parking spaces on our block. Please either include the 400 block in the expansion or do not include the 500 block of Pine Street. Thank you for your attention to our concerns.

Sincerely,
Katharine and Lansing Crane
445 Pine Street
Boulder, CO 80302

Matthews, Kurt

From: Katherine McIntyre <mckatherine@gmail.com>
Sent: Wednesday, July 08, 2015 8:24 AM
To: Matthews, Kurt
Subject: Mapleton Hill parking permit expansion

Hi Kurt:

I recently heard that there is a proposal to extend parking permits to include the 500 block of Pine Street. We have lived on the 400 block of Pine Street for nine years and we strongly oppose restricting parking on this block without including the 400 block too. We already have overcrowding on our street with the current parking situation and by imposing restrictions on the adjacent blocks this will inevitably push additional parking to our block which is already overly burdened during the day.

.

Residents on our block almost all park on the street (no other option) and when you add in visitors, teenage drivers, childcare and domestic employees and the fact that some residents are running businesses from their homes that bring in more cars, the parking situation is already quite strained. Construction work on the block and neighboring blocks is often an issue and further congests the block.

We do not need more pressure put on the very limited parking spaces on our block. Please either include the 400 block in the permit expansion or do NOT include the 500 block of Pine.

Thank you.

Katherine McIntyre (420 Pine Street)

Matthews, Kurt

From: Rajat Bhargava <rajat@jumpcloud.com>
Sent: Thursday, July 09, 2015 12:52 PM
To: Matthews, Kurt
Subject: Proposed New Neighborhood Parking Permit Zone Expansion (Mapleton)

Kurt – our neighbors Nancy Kornblum and Michael Schreiner recently sent you a note regarding their views of the proposed expansion of the parking permit zone. I wholeheartedly agree with Nancy and Mike. I live at 410 Pine Street, just next door, but I too see the intense constraints on parking. Please either include our block in the permit zone or leave the 500 block unpermitted.

Thank you, and I've included their note below as well.

-Rajat
Rajat Bhargava
410 Pine Street

From: Nancy Kornblum [mailto:nancygkornblum@gmail.com]
Sent: Monday, July 06, 2015 8:06 PM
To: Matthews, Kurt
Cc: Michael Schreiner
Subject: Proposed New Neighborhood Parking Permit Zone Expansion (Mapleton)

Hi Kurt: We received your notice proposing extending parking permits to include the 500 block of Pine Street. As long term residents on the 400 block of Pine Street we strongly oppose restricting parking on this block without including the 400 block too. Our block is notorious for the lack of parking. By imposing restrictions on the streets to the east this will inevitably push the parking problem further west to our block which is already overly burdened during the day.

I have spoken to a number of parking officials (I can get you names if you desire) in the city who have all agreed that parking on the 400 block is a challenge. In fact, they have expressly loosened parking regulations there to allow for residents to be able to more easily access homes. This is not an ideal solution especially when traffic safety is of concern.
.
Almost every home on our street does not have a usable garage and residents must park on the street; many have teenagers/nannies who drive (and park) a third car. Construction parking has often been intolerable with cones preserving spaces and large trucks taking up several spaces for days on end. This doesn't seem to be temporary and construction will no doubt continue. Contributing further to the problem, some residents run businesses out of their homes or have ADUs, generating more parked cars on the street.

We do not need more pressure put on the very limited parking spaces on our block. Please either include the 400 block in the expansion or do NOT include the 500 block of Pine.
Thanks. Nancy Kornblum and Mike Schreiner (402 Pine Street)

Matthews, Kurt

From: stacy moore <moorestacy@hotmail.com>
Sent: Monday, July 13, 2015 10:28 AM
To: Matthews, Kurt
Subject: re: NPP zone expansion: Mapleton

Hello,

I would like to put my vote in for NO proposed parking permit zone expansion on 8th Street. I've lived at the corner of Maxwell and 8th for over 10 years, and can always find parking available right next to my home on 8th street, or within 1/2 block of my home either on 8th or Maxwell. Given that finding parking space is not a problem here, I do not see the need for us to pay for permits or parking attendants to monitor our neighborhood street.

Thank you,

Stacy Moore
802 Maxwell Ave.
Boulder, CO 80304

Matthews, Kurt

From: Ray Edwards <rayedwards11@gmail.com>
Sent: Wednesday, July 15, 2015 2:40 PM
To: Matthews, Kurt
Subject: NPP Zone expansion - Mapleton

Matt,

If you add 7th, 8th, & 9th from Mapleton to Maxwell to the NPP zone, it appears as if all you will do is push the non-permit parking to Maxwell Ave. Maxwell is a highly traveled street with already limited parking for residents. Either include it in the NPP zone, or don't add 7,8, & 9.

Just my 2 cents. Thanks for asking.
ray

Matthews, Kurt

From: Michael Shepard <email4shep@yahoo.com>
Sent: Tuesday, July 07, 2015 9:40 PM
To: Matthews, Kurt
Cc: Valerie Yates; lkwibbeler@mac.com; tony.wibbeler@gmail.com
Subject: Comments on Proposed Mapleton Permit Parking Expansion

My name is Michael Shepard. My wife Susan and I have lived at 801 Maxwell Ave for 23 years. We have reviewed the proposed expansion of permit parking on Mapleton Hill and have some concerns and suggestions.

The letter you sent doesn't explain why this expansion is being proposed. We presume it is in response to complaints by some residents that they are finding parking more difficult to come by. We're sympathetic, but it is important to make such decisions based on data and not just to grease some squeaky wheels. Do you have any data to suggest that the parking load has gotten heavier? If so, where, by how much, and what might be causing this? What share of the neighborhood's residents have asked for an expanded permit system? Do you have any data on how permit parking has affected those areas where it is already in force? Your letter didn't present any such information, so we're left to react based on gut feel. Unfortunately, we won't be able to attend the public hearing on the 16th . . . or is it the 17th? The date and day in the letter don't align.

We suspect that the main cause of any added parking load in the area around the Mapleton School is that the staff and volunteering parents are parking on the surrounding streets because the school didn't provide enough parking for them. That's no different than the situation was 15+ years ago when Mapleton was still operating as an elementary school. Adding a permit system along 7th and 8th streets isn't going to solve that problem. The staff still have to get to work and many of them likely have to drive. It's just going to force them to park farther from work, beyond the permit expansion. That pushes them onto Maxwell, which already has a heavy on-street parking load, as few homes here have off street parking and we have more multifamily housing than the rest of the neighborhood.

Beyond the reopening of Mapleton School, there isn't any other obvious cause of added parking load in our neighborhood. No new housing has gone in. Some downtown workers park up here and walk down to work, but we have no evidence that more of them are doing that today than there were years ago. And that issue presumably can be managed by issuing fewer commuter permits. Some added load might be coming from folks doing Air BnB rentals in their homes, but a permit system won't solve that either--residents will buy guest passes and use them when they have visitors.

If the reopening of the school is the main cause of the added parking, then we're already feeling the full impact. It's not likely to get worse, as the staff isn't going to grow significantly. Our feeling is that we're better off the way things are. Absent any compelling data on the benefits of this proposal, we oppose adding permit parking on 6th, 7th, and 8th streets between Mapleton and Maxwell. But if permit parking is added to 6th, 7th, and 8th, then it should be added to Maxwell as well--a poor second choice in our view.

Another option to consider is to provide the school staff with a special class of permits so they can park in the existing permitted areas during the school year. Folks living near the school knew that it would generate some parking load when they chose to live there. It's not fair to allow a school in a neighborhood and not let it's workers and visiting parents park there. Giving the school a special class of permits would spread this load out along the existing nearby permitted and non-permitted streets, without allowing other types of visitors to overwhelm the permitted streets. Mapleton and Highland

could carry a modest amount of additional on street parking from the school, as long as they were protected from further overflow parking from downtown.

Another reason we oppose the expansion is that it adds another layer of regulation, cost, and paperwork to our lives, without commensurate benefit. It will also add to city costs to administer and patrol the expanded areas and increase the sense and reality of intrusion from frequent patrols by parking officials.

Thank you for the opportunity to provide these comments.

Michael Shepard

Matthews, Kurt

From: Brett Hall <vis362@msn.com>
Sent: Tuesday, July 07, 2015 2:42 PM
To: Matthews, Kurt
Subject: NPP Zone expansion east Aurora

Hello. My family and I are residents in this neighborhood on 35th Street. As I write this email, there is a car parked right up to our driveway making it really hard to access our own yard. I would be very excited at the prospect of parking permits in this neighborhood as it is a constant battle just to get in and out of our driveway safely. I have witnessed constant speeding cars through the neighborhood as well, which concerns me as we have children. Thank you for considering this. We would very much appreciate this outcome. -The Halls

Matthews, Kurt

From: 7711-madisoncreekhoa@usa.net
Sent: Wednesday, July 15, 2015 1:16 PM
To: Matthews, Kurt
Subject: New parking zones for East Aurora

Mr. Matthews,

I own and manage the properties at 1115 35th Street. There also is a huge problem with commuters to CU parking on 35th Street between Madison and Colorado.
My tenants are only able to find places to park on weekends. I would request that you at least add the west side of 35th Street to the permit expansion if not both sides.

Thank you for your time.

James Mason
PO Box 3402
Boulder, CO 80307
303-499-9705

Matthews, Kurt

From: Heather Ryan <h10ryan@yahoo.com>
Sent: Wednesday, July 08, 2015 11:55 AM
To: Matthews, Kurt
Subject: Proposed Neighborhood Parking Permit Zone Expansion Whittier.

Der Mr. Matthews,

I live at 2114 Bluff Street. I have concerns about the proposed Whittier Neighborhood Parking Expansion. The expansion is on one block only that dog legs from the rest of the restricted area. It seems a response to specific neighbors and not a well though-out plan. My concern is that the expansion will move long term parkers to the streets that directly impact the houses along Mapleton and Bluff to the North and the East. These streets are already often impassable for two cars because of cars parked nose to tail on both sides. Pushing more parking to them to assist the homeowners on Mapleton between 20 and 21st seems unfair and inappropriate.

I am also concerned about the failure of the city to enforce requirements for off-street parking in the neighborhood. The house on the corner of Bluff and 21st is very large and has an accessory unit that is often rented out. They are doing a huge remodel on the property and have eliminated all off street parking. The two spaces that had been available for parking in front of a garage have been turned into a patio and have been surrounded by bushes to prevent any parking. Obviously the garage will not be used as additional living space and not for parking.

I believe off street parking requirements should be addressed before taking steps that impose additional burdens on neighboring streets in order to protect the interests of a single street. I strongly object to the expanded restrictions as set forth in the proposal.

I am happy to discuss this further.

Heather Ryan

Matthews, Kurt

From: Michele Schwadron <mschwadron@gmail.com>
Sent: Tuesday, July 14, 2015 9:46 AM
To: Matthews, Kurt
Subject: proposed expansion of Whittier Neighborhood Parking Permit Zone

Dear Mr. Matthews,

Thank you for mailing information regarding the proposed expansion of the Whittier Neighborhood Parking Permit Zone.

I am opposed to this proposed expansion. I am concerned that we will be losing too many unrestricted parking spaces in the downtown area if this is approved. Limiting the availability of free, unrestricted parking makes downtown Boulder a frustrating place to shop, dine or do business. Right now we have many streets that have been granted this limited parking status and if we were to expand it, it would put more pressure on the already tight downtown parking situation. As a community we benefit from having a vibrant downtown area where residents and tourists want to spend time and money. One way we can achieve this is by providing easily accessible, unrestricted, free parking.

I am also concerned that if this proposal is approved it could be the first of many dominoes to topple. Currently there are no NPP zones east of 20th street. Converting Mapleton between 20th and 21st to a NPP zone will simply divert any non-resident parking over 3 hours to other nearby streets which will then overcrowd those streets. This will encourage the homeowners who reside on those streets to petition the city to grant them a NPP zone. At some point we have to draw the line and I believe the line that is currently drawn on 20th should stay intact. We want to have a vibrant downtown area and making parking difficult is the quickest way to send shoppers, diners and visitors to other areas of Boulder where parking isn't a hassle.

I walked Mapleton in the area of the proposed NPP zone and came up with some enlightening information. There are currently 14 homes on the north and south side of Mapleton between 20th and 21st streets. Of those 14 homes, 11 of them have some type of off-street parking that is reserved exclusively for their property. This is what I observed:

<u>North Side of Mapleton between 20th and 21st street</u>

2005 Mapleton has 3 total off-street spaces for their exclusive use. 2 tandem spaces in their driveway and 1 space in the alley behind their home.

2013 Mapleton has 2 total off-street spaces for their exclusive use. Both spaces are in a two car garage in the alley behind their home.

2021 Mapleton has no off-street parking spaces.

2029 Mapleton has 1 off-street parking space in the alley behind their home and a very large historic barn that appears to be large enough to be utilized as a garage (I did not count this structure in my calculations).

2037 Mapleton has 2 total off-street parking spaces for their exclusive use. 1 in a garage and 1 in a space off the alley behind their home.

Matthews, Kurt

From: Jason Mendelson <jason@foundrygroup.com>
Sent: Tuesday, July 07, 2015 12:45 PM
To: Matthews, Kurt
Subject: 500 block of pine

Mr. Matthews,

I heard that the city is considering new parking restrictions on the 500 block of Pine. Please do not let this happen. I'm a resident on the corner of 5th and Pine and I can rarely find a parking spot in front of my house due to the crowded situation of the 400 block. This coupled with constant construction vehicles will make it impossible for me to find a space to park. Anything you can do to keep the status quo (which is suboptimal currently) would be appreciated.

Best,

Jason

--
Jason Mendelson
Foundry Group
@jasonmendelson

Jason Mendelson
about.me/jasonmendelson

Assistant: Jill Spruiell

Jill@foundrygroup.com

(303) 642-4081

Matthews, Kurt

From: Darvin Ayre <dayre@earthlink.net>
Sent: Wednesday, July 22, 2015 3:30 PM
To: Matthews, Kurt
Cc: Darvin Ayre
Subject: Proposed parking zone on 8th street and impact on surrounding streets

hi Kurt..
I spoke with Ron last week before he went on vacation about my house on the corner of 8th and Maxwell Avenue. I've been following the conversation and have also talked with Jenn and Chris- two of your meter officers who I saw frequently around town as well as in the neighborhood. Over the last 6- 9 months I've spoken with Chris on several occasions to understand how these zones work, their enforcement and some of the consequences.. intended and otherwise that come from their roll out.

Based on what I've learned, I'd have to say that I'm very much AGAINST this strategy for managing parking in my neighborhood. While it appears to manage the concerns of a squeaky wheel few, it also bumps the problems to adjoining streets and doesn't necessarily resolve issues in a systematic way. I have lived on this corner (both as a renter of 3 years and a homeowner of 18 years) and while I've seen an increase of non- resident parking I also don't believe we are entitled to park directly in front of our homes every hour of every day or anytime we expect to- which is something I've heard coming from those who've signed the petition to get this underway.

As a counterpoint to some of this entitlement mentality, I would suggest that we can all make do if we're willing to flex just a bit. I only have one parking spot (directly) in front of my home on Maxwell but I don't expect it to be open for me. I can park a few spaces east, across the street or across my yard on 8th. Its really not that big a deal. On the other hand, if a small minority is allowed to push non- resident parking off 8th... we all know where it will end up. Maxwell is already managing a large burden of non resident parking and it will end up just migrating north and east or west of 8th to Maxwell Avenue.

While I understand the impulse to free up space if I had a home on 8th street. I also know from living on the corner- there is almost ALWAYS available space if I'm willing to walk 50 - 75 feet from my car to my home. Additionally, several of the people squawking the loudest also have unused parking spaces (and garage parking) as part of their homes and condo HOA's. To me, this ignores taking some personal responsibility for the situation and again... foists the problem onto others without fully thinking it through.

I left you a voicemail quite awhile back and also know that you're quite busy. It'd be great to discuss this over the phone and be able to get greater clarity from your perspective and experience of this type parking zone designation.

I couldn't make the Open House last week as I had to be in Denver for an evening board meeting.

thanks for your response in advance

cheers, Darvin

Darvin Ayre
Ayre & Associates, Inc
806 Maxwell Ave
Boulder, CO 80304

email: dayre@ayregroup.com
mobile: 303.589.3201

Matthews, Kurt

From: dexterpayne1@gmail.com on behalf of Dexter Payne <note@dexterpayne.com>
Sent: Wednesday, July 22, 2015 4:39 AM
To: Matthews, Kurt
Subject: Parking permits on 7th St between Mapleton & Maxwell, 2400 block

Dear Boulder Parking.COM,

This is a comment to the parking proposal for my block which I received in the mail - by the sound of it you want to hear from me, but that won't change anything - it's going through no matter what.
Too bad, I believe! .

I have lived here 10 years, and I do NOT see people from outside the neighborhood parking here to shop, work, hike Sanitas or for any other purpose.

Yes, my block (7th St between Mapleton & Maxwell) gets completely parked up, mostly at night. What that means is ITS PRIMARILY RESIDENTIAL PARKING.

So, as I see it - your proposal "gives" me the right to pay you a fee for a permit. For what I already do - hope I can get a place to park near my house.... Furthermore, if someone comes to visit me or carpool with me, they can be fined for parking on my block more than 3 hrs per day.

Yes, there ARE some residents with more than one car per person!!! Yes, there are some residents who store unused cars, even a trailer on this the block!!! I have no clue how to change this behavior. Parking permits, even extra ones, will be no burden or deterrent to them. They will just buy more permits, no worry about the cost. Some of us here are renters with low income, and yes, even a $17 permit is significant!

The reason for our parking problem: There are houses o the block which once had only one car per....but now they are converted into apartments, creating more parking pressure than the block can bear (identical problems on adjacent blocks throughout the neighborhood!)

I see the Pearl St workers who park over on Mountain View every day. Not a problem here - we are too far from Pearl. This is not a school or church neighborhood.

I like my block with no extra parking signs, signs which would not change the parking on this block one iota. Please reconsider.

I AM curious, in passing, how the city govt becomes a "dot COM"

Sincerely,
Dexter Payne
2446 7th St
303.883.4412

Matthews, Kurt

From: Lauren Warhola <laurenwarhola@gmail.com>
Sent: Tuesday, July 21, 2015 1:30 PM
To: Matthews, Kurt; ParkingServices
Subject: parking on 35th st

Hi All -

I live on 35th st where the proposed pay to park has been suggested.

I do not agree with having to buy a parking pass to park outside of my house. If anything, I suggest Boulder giving residents + guests of the proposed area a free parking pass.
If you are worried about college kids parking in our streets, then have them buy a pass.
Making residents and our guests pay to park on our street is absurd.

In conclusion, we should keep the parking situation as it is now. Free for everyone.

Thanks for listening,

900 35th

Lauren Warhola

Matthews, Kurt

From: Doyle, Sharon
Sent: Tuesday, July 21, 2015 12:56 PM
To: Matthews, Kurt
Cc: Hoskins, Ron; Jobert, Donna; Winter, Molly
Subject: FW: East Aurora NPP proposal

FYI

From: Sarah Jolly [mailto:jollysarahe@gmail.com]
Sent: Tuesday, July 21, 2015 12:00 PM
To: ParkingServices
Subject: East Aurora NPP proposal

Hello parking services,

For the love of god do not make me pay to park in front of my own house. Living in Boulder is already stupid expensive and I have not once had an issue parking on my own street. Students do not park here, I see absolutely no reason to have an NPP in our neighborhood or on our street. My neighbors and I do not need another thing to worry about with paying and renewing and making sure our guests have the proper permits and what times we can park where.

Thanks,
Sarah

Matthews, Kurt

From: Kirstin Jahn <Kirstin@jahnlaw.com>
Sent: Monday, July 20, 2015 5:46 PM
To: Matthews, Kurt
Subject: Extension for parking on Mapleton between 20-21st

Kurt,

Thank you for your letter re: the proposed expansion of the Whittier Neighborhood Parking Permit Zone.

I was the person who submitted the permit application, but unfortunately was on vacation when the letter came and when the open house occurred on July 16th from 5-7.

Can you let me know how it went? Are we on track for the public hearing on September 14, 2015? Is there anything more my neighbors or I can do to help this go through more smoothly?

Sincerely,

Kirstin Jahn

Matthews, Kurt

From: Trevor Doetsch <trevordoetsch@gmail.com>
Sent: Tuesday, July 21, 2015 6:50 AM
To: Matthews, Kurt
Subject: NPP zone expansion at East Aurora

Kurt,

I own a house a 925 35th st and dont understand why the city is trying to do this? The city has already raised our property taxes a large amount recently. Why do you keep trying to take more money from us???!! This is completely ridiculous. Stay out of our lives! Must you control every little thing??? What wrong with free parking on these blocks?? Its not down town Pearl St.

The open house you held was on July 16th., I barely received notice of this in time, certainly not enough time for someone whom has a schedule to attend.

Why are you doing this? Can you at least give an explanation? We spend our hard earned dollars to live here and deserve the right to park our cars in front of our houses for free! I dont want to have to go anywhere to get a permit even if it is free to park on my street.... this is a hassle and just a money grab for the city.

Rgds.

Trevor Doetsch
925 35th st
Boulder.
trevordoetsch@gmail.com

Matthews, Kurt

From: Sarah Jolly <jollysarahe@gmail.com>
Sent: Tuesday, July 21, 2015 1:23 PM
To: Matthews, Kurt
Subject: Re: FW: East Aurora NPP proposal

Hi Kurt,

Sure thing, I live at 900 35th St. I have two roommates that both agree there should be no NPP, they should be emailing you as well.

Thanks,
Sarah

On Tue, Jul 21, 2015 at 1:13 PM, Matthews, Kurt <MATTHEWSK@bouldercolorado.gov> wrote:

Sarah,

Could you please provide me with your address so I can add it to our files. Thanks,

Kurt Matthews, M.Ed

City of Boulder

Manager Parking Services

(303)413-7320

From: Doyle, Sharon
Sent: Tuesday, July 21, 2015 12:56 PM
To: Matthews, Kurt
Cc: Hoskins, Ron; Jobert, Donna; Winter, Molly
Subject: FW: East Aurora NPP proposal

FYI

From: Sarah Jolly [mailto:jollysarahe@gmail.com]
Sent: Tuesday, July 21, 2015 12:00 PM
To: ParkingServices
Subject: East Aurora NPP proposal

Hello parking services,

For the love of god do not make me pay to park in front of my own house. Living in Boulder is already stupid expensive and I have not once had an issue parking on my own street. Students do not park here, I see absolutely no reason to have an NPP in our neighborhood or on our street. My neighbors and I do not need another thing to worry about with paying and renewing and making sure our guests have the proper permits and what times we can park where.

Thanks,

Sarah

Matthews, Kurt

From: Katelynn Barnett <katelynnb5@gmail.com>
Sent: Wednesday, July 22, 2015 11:56 AM
To: ParkingServices; Matthews, Kurt
Subject: Parking Permit Zone in East Boulder

Good morning,
I am a resident of 900 35th Street here in Boulder, and recently we have been notified of proposed permit parking in our neighborhood. It was also mentioned that you are looking for feedback from residents - the permit parking does not seem necessary from my standpoint. There is always plenty of parking on the street at any given time of day, and it would be an inconvenience to have to pay to park on my own street.

With the research campus being so close by, I assume this proposal is coming from people complaining of students parking on these streets and walking to the campus. My roommates and I work during the day, so I suppose we do not always see the extra cars on the street. However, I sometimes travel to Longmont for work and come home in the early afternoon, and there is still plenty of space to park, even during the school year. Again, paying to park where there is already free space would be a waste of our money.

I hope this is helpful. Please let me know if I can provide further feedback or answer any questions.

Thank you!

Katelynn Barnett
513-501-7380

Matthews, Kurt

From: Eric Sorenson <ersorenson@gmail.com>
Sent: Tuesday, August 04, 2015 1:23 PM
To: Matthews, Kurt
Subject: West Pearl Parking

Dear Kurt,

I am following up on our phone conversation. I support the west pearl permit proposal and want it expanded to include 4th St. I reside with my family at 330 Pearl St. Currently it is very difficult to find available parking spaces on weekdays during work hours. This is probably due to the number of Justice Center employees who park on 4th St and not in the designated Justice Center parking lot.

Designating West Pearl without including 4th St. will serve to make it impossible for residents to find daytime street parking on 4th St. Whatever happens, it is my intention to circulate a petition in order to implement neighborhood parking on 4th St. Thank you for your attention to this matter.

Sincerely,
Eric Sorenson
Sent from my iPhone

Matthews, Kurt

From: Nancy Kornblum <nancygkornblum@gmail.com>
Sent: Friday, July 24, 2015 6:39 AM
To: Matthews, Kurt
Subject: Proposed New Neighborhood Parking Permit Zone Expansion (Mapleton)

Hi Kurt: I wanted to add another point to my previous comments after attending the open house last week.

The City's map that is being circulated for the Mapleton Parking Expansion cuts off the area west of 4th Street, ending mid-block on the 400 block of Pine St.

This unrepresented area is important to show that there are no parking spaces in this area, thus putting additional pressure on the 400 block of Pine Street as the only available nearby parking option once restrictions get implemented on the 500 block and surrounding area.

Pine Street "T's" at 4th Street and parking is very limited on 4th Street with parking on the east side of 4th St. entirely prohibited.

Should we file a petition at this time to include our block in the parking permit zone or wait until the situation becomes a problem? Thanks. Nancy

On Mon, Jul 6, 2015 at 8:05 PM, Nancy Kornblum <nancygkornblum@gmail.com> wrote:

Hi Kurt: We received your notice proposing extending parking permits to include the 500 block of Pine Street. As long term residents on the 400 block of Pine Street we strongly oppose restricting parking on this block without including the 400 block too. Our block is notorious for the lack of parking. By imposing restrictions on the streets to the east this will inevitably push the parking problem further west to our block which is already overly burdened during the day.

I have spoken to a number of parking officials (I can get you names if you desire) in the city who have all agreed that parking on the 400 block is a challenge. In fact, they have expressly loosened parking regulations there to allow for residents to be able to more easily access homes. This is not an ideal solution especially when traffic safety is of concern.

.

Almost every home on our street does not have a usable garage and residents must park on the street; many have teenagers/nannies who drive (and park) a third car. Construction parking has often been intolerable with cones preserving spaces and large trucks taking up several spaces for days on end. This doesn't seem to be temporary and construction will no doubt continue. Contributing further to the problem, some residents run businesses out of their homes or have ADUs, generating more parked cars on the street.

We do not need more pressure put on the very limited parking spaces on our block. Please either include the 400 block in the expansion or do NOT include the 500 block of Pine.
Thanks. Nancy Kornblum and Mike Schreiner (402 Pine Street)

Matthews, Kurt

From: Tory Yaphe <ty@doctory.com>
Sent: Saturday, July 18, 2015 9:32 AM
To: Matthews, Kurt
Subject: NPP Zone Expansion: Whittier

Mr. Mathews,

We received he proposed Neighborhood Parking Permit (NPP) for Whittier which expends the NPP for one block on Mapleton Ave. and we are very much in favor of this NPP, but it does not include a large enough area.

We live on the corner of 21st St and Mapleton Ave. and experience morning commuters parking not only in this one block of Mapleton but more often on 21st St. which doesn't have any restrictions. From this area it is one block to the elementary school on Pine and 2 blocks to the heavy commercial Pearl St.

Is there any ways to include 21st St. in this NPP the same as on 18th, 19th and 20th streets? If NPP can be provided on Bluff St. certainly 21st St. should be included.

Tory & Wendy Yaphe
2053 Mapleton Ave
Boulder, CO 80304
~~~~~~~~~~~~~~~
~~~~~~~~~~~~~~~

Matthews, Kurt

From: David Wein <david@mutualsecurity.com>
Sent: Sunday, July 19, 2015 3:51 PM
To: Matthews, Kurt
Cc: David Wein
Subject: NPP Zone Expansion Mapleton

Kurt, I live at 643 Mapleton on the northwest corner of 7th and Mapleton and I received the notice to expand the permitted parking. While I feel like people parking downtown for work are infringing on our available parking for our home I am against the expansion. We already have permits required in front of our house which I as a homeowner now no longer use. If this expands to 7th, I will feel further pushed out of my own neighborhood where I pay approx. $10k a year in property taxes for the privilege of living and parking. I don't think adding annual parking fees will be to my benefit. Additionally, I have a trailer I use for work and occasionally a boat that I bring home for several days. How are these type of vehicles permitted?
If it is of any consideration my hope is that this will not be put in place thank you

David S. Wein
Mortgage Banker
Mutual Security Mortgage
O-303-443-5575
C-303-588-8547
2129 13th St
Boulder, CO 80302
NMLS #243292
Co license #100010022

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Matthews, Kurt

From: Doyle, Sharon
Sent: Monday, July 20, 2015 7:22 AM
To: Matthews, Kurt
Subject: FW: neighborhood parking program

FYI

-----Original Message-----
From: Regina Bock [mailto:fortbock@aol.com]
Sent: Saturday, July 18, 2015 8:25 AM
To: Council; ParkingServices
Subject: neighborhood parking program

Dear City Council and parking service personnel, After reading the article of the neighborhood parking program in the Daily Camera I had some thoughts.
1.)How many residents that complain about on street parking, that ALL tax payer pay for, have converted their garages to work space,storage, studios or apartments? with or without a permit? It should not be visitors problems if residents choose to get rid of their parking.
2.) Giving permits implies that residents "own" the space in front of their homes. I do not think this is true or should be true.
3.) We challenge/encourage visitors and ourselves to not drive and take the bus or bike, if downtown residents don't drive then they don't have a parking problem.
Thank you for the time on this matter and all the other matters that you consider.
Sincerely, Regina Bock

Matthews, Kurt

From: Mark and Diane Hageman <lacasaazul42@comcast.net>
Sent: Friday, July 17, 2015 8:02 AM
To: Matthews, Kurt
Subject: NPP East Aurora

Matthew: As a homeowner near one of the new NPP zones in East Aurora I have a couple of comments. First, you do not explain why the zone is being created in the first place, although I suspect you may have covered that at the open house which I was unable to attend. It seems odd that you are imposing the NPP in the middle of a neighborhood, not closer to CU, Baseline, 30th or other potential draws for non-neighborhood parking. Second, I find it ridiculous that residents would have to pay to park on public streets, particularly since very few of the homes in this area have garages and only a few more have driveways. I understand the fee for a business or commuter permit, but resident's permit fees are usury.

Mark Hageman

Matthews, Kurt

From: Roger Brooks <roger@leadingedgemedical.com>
Sent: Monday, July 27, 2015 3:47 PM
To: Matthews, Kurt
Cc: Karen Brooks
Subject: Whitter Parking Permit

Kurt,

We live at 2056 Mapleton Ave and signed the Whittier / Mapleton parking permit under the presumption that the solicitor was going to add 21st between Mapleton and Pine. Based upon your letter it looks like she did not or was not able to add that to her petition. Thus we are 100% opposed to the Zone expansion.

The only thing this will do is to push the cars into the location where we park which is on 21st between Mapleton and Pine. We are just fine with families and teachers from Whittier Elementary parking in our area. As everyone in our neighborhood should be ... What we do not like is when someone leaves their (usually and eye sore of a car) parked in front all weekend or for extended periods of time.

Please do not push all the parking to in front of our house which is what this Zone expansion will do.

Roger and Karen

Roger Brooks, President & CEO
C-Suite Executive Search | Leading Edge Medical
303.449.9300

Leading | Edge
medical search

Member of inrals

PROPOSED NPP COMMENT FORM
07/16/15

NAME: Jack E Smith

ADDRESS: 308 Pearl St

EMAIL: –

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Parking in the 300 block on W. Pearl has been a long standing problem. During the week there is no place to park on any week day & sometimes on weekends. Many people park there all day. We often have to park two or three blocks from our residence – a real problem unloading groceries or laundry. I have to use a walking stick which makes even a short walk difficult

PROPOSED NPP COMMENT FORM
07/16/15

NAME: Susan Collins

ADDRESS: 308 Pearl St

EMAIL: ssnollns1@q.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

We really need this expansion. Since our block is the first one going west on Pearl that doesn't currently have restrictions, commuters who work downtown often park in the 300 block. I can rarely park in front of my own house.

PROPOSED NPP COMMENT FORM
07/16/15

NAME: Jack E Smith

ADDRESS: 308 Pearl St

EMAIL: –

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Parking in the 300 block on W. Pearl has been a long standing problem. During the week there is no place to park on any week day & sometimes on weekends. Many people park there all day. We often have to park two or three blocks from our residence – a real problem unloading groceries or laundry. I have to use a walking stick which makes even a short walk difficult

PROPOSED NPP COMMENT FORM
07/16/15

NAME: Susan Collins

ADDRESS: 308 Pearl St

EMAIL: ssmcllns1@q.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

We really need this expansion. Since our block is the first one going west on Pearl that doesn't currently have restrictions, commuters who work downtown often park in the 300 block. I can rarely park in front of my own house.

PROPOSED NPP COMMENT FORM
07/16/15

NAME: Rome + Juanita Walker

ADDRESS: 601 Canyon, Unit C

EMAIL: randj@alpinelodgeredriver.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

We represent the 4 unit HOA on 6th St. All owners and residents are in favor the proposed expansion.

PROPOSED NPP COMMENT FORM
07/16/15

NAME: GWEN Dooley

ADDRESS: 730 Spruce & 438 Pearl

EMAIL: gwendooley@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Mapleton & West Pearl are gathering signatures on petitions to replace the 3 hr. periods with 2 hr. maximum non-residential parking periods. One Mapleton petition was submitted to Molly Winter at the 7/16/15 open house. The other will be submitted by the end of July at the latest.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Dianne Poush

ADDRESS: 303 Canyon Blvd., #B

EMAIL: dpoush2009@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: Parking on 3rd St. is strictly "unmonitored" by the City. On a daily basis, as residents, we see infringements — parking over crosswalk, close to alley access, etc. Two commercial neighbors put their own cones out to serve their business' parking needs. The proposed Pearl St. parking zone will only exacerbate these issues. In looking at the 6th St. zoning we notice over →

only a zone in front of the residential area.
Is that an option on 3rd St. ?

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Rod & Judy McKeever

ADDRESS: 3590 Madison Ave

EMAIL: rojujencol@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: Our neighborhood has lost its tranquility. There is no sense of safety for pedestrians, children, or pets as the speed of traffic has increased dramatically. Two way traffic is an impossibility... and because of the manner of parking (too close to crosswalks & driveways) their is no visibility. We cannot

Park at our own home once we move our vehicles.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Debbie Ash

ADDRESS: 1000 35th St.

EMAIL: ashdebbie@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

I feel bad that we are trying to limit the parking in our neighborhood. I don't mind sharing the street parking. It does make it hard to back out of the driveway as I cannot see what's coming & I must pull the full length of the car out before I can start to turn in the direction I need to go. Suggestion: Maybe marking the sides of the driveways so people know not to park so close.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Kathryn Taylor

ADDRESS: 1005 36th St.

EMAIL: Katheuchart@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: The parking situation has been getting worse & worse in my neighborhood for a few years now, and this past year has become intolerable. As my house has no driveway, I never know if I'll ever be able to park if I leave for any amount of time during the day. Way too many folks parking for too many hours. Frustrating.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Frank Smucker

ADDRESS: 900-37th St 80303

EMAIL: Smuckerf@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Call our area Aurora Seven.
Make the parking in our area a 2 hour limit.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: FRADA KODECK

ADDRESS: 2458 8th. ST.

EMAIL: FNKODECK@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

am 100% for it

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Canaday

ADDRESS: 745 Pine

EMAIL:

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

— Include Handout with all the parking regulations when you provide permits to permit holders.

— Parking Enforcement should Enforce all regulations which include 5' from driving when Enforcing NPP restrictions.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Richard McCurdy

ADDRESS: 2458 6TH ST.

EMAIL: WISERN@MSN.COM

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

100% for Proposed Parking Permits

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Filip Sokol

ADDRESS: 1620 MAPLETON AVE

EMAIL: fsokol@indra.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: WEEK END PARKING IS TOTALLY OUT OF CONTROL IN MY NEIGHBORHOOD DUE TO PEOPLE GOING TO THE MALL, ETOWN, ETC. CONTROLLED PARKING SHOULD BE 24-7 AND NOT FREE, PARKING SPACE COSTS MONEY AND SHOULD NOT BE SUBSIDIZED. THE COST SHOULD BE ENOUGH TO CAUSE A THOUGHT PROCESS THAT MAY LEAD TO BETTER (NON POLLUTING AND NON CONGESTION) ALTERNATIVES. GROSSLY LARGE VEHICLES SHOULD ALSO BE DISCOURAGED. ENFORCEMENT MUST BE CONSISTANT AND SIGNIFICANT. ALSO PEOPLE RENUNK AFTER DRINKING OFTEN DISCARD TRASH, SCRATCH CARES, ETC.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Rob McKeever

ADDRESS: 3590 Madison Ave

EMAIL: RODBM@comcast.net

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: WE HAVE SEVERAL CONCERNS WITH THE CURRENT PARKING/TRAFFIC SITUATION.

(1) NEIGHBORHOOD TRAFFIC HAS INCREASED IN THE LAST FEW YEARS. IF THE NUMBER OF CARS PARKING ON MADISON AND SPEEDING IS ANY INDICATION, TRAFFIC HAS INCREASED BY OVER 15 TIMES, INDICATING A 15 FOLD INCREASE IN THE PROBABILITY OF AN ACCIDENT. OUR NEIGHBORHOOD IS EVOLVING INTO PRIMARILY FAMILIES WITH SMALL CHILDREN. AN INCREASE IN ACCIDENT PROBABILITY AND SMALL CHILDREN IS NOT A GOOD SITUATION.

(2) ADDITIONALLY, WE ARE CONCERNED ABOUT THE POTENTIAL OF THE TRAFFIC/PARKING SITUATION TO SLOW EMERGENCY RESPONSE.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: LUKE MILLER

ADDRESS: 930 37th st.

EMAIL: millerluke@gmail.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

- The issue with parking in E. Aurora is small, but acute - cars are densly parked along ~~aurora~~ Madison Ave, and a few houses in on 35th, 36th & 37th otherwise there are no issues. All overflow from CU Research Park.
- Some houses along Madison / 36th area have removed their driveway & rely on on street parking - seems unfair to ~~those~~ pass their burden on to the rest of the neighborhood.
- Parking lots at CU Research Park are ½ empty - why can't they provide parking for their employee's / students? How do we get them involved?
- New buildings in CU Research Park being built will only add to the problem.
- Not fair to ask the neighborhood to pay (even though small $) because CU charges too much for parking in their lots.
- IF this is implemented, a 2hr limit is preferred. And timing only needs to be from 9-3
- How many commuter permits would be issued? Is the cost less than what CU charges for their lots? It's possible this could be implemented & not solve the problem.

PROPOSED NPP COMMENT FORM
07/16/15

NAME: JUDITH APLON

ADDRESS: 2119 SPRUCE ST. #2

EMAIL: judithaplon@yahoo.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS: I have lived at the above address since Oct. 1977 & have witnessed a substantial increase in all day parking beginning at 8:00 AM when downtown workers park on Spruce from 20th to Folsom + 22nd + 23rd to Pine. These workers then use their eco passes to board the HOP to their places of work.

Several years ago I started a petition →

but received differing information from Eric Guenther & did not continue the work.

We need a break on Spruce, 22nd + 23rd.

Thank you

My address is directly across from Spruce Pool. The summer danger/nightmare is terrifying.

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Elisabeth White

ADDRESS: 840 Maxwell

EMAIL: ehwhite@yahoo.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

I would support the 9th Street expansion in the Mapleton NPP only if the block of Maxwell between 8th + 9th is included. 2/3 - 3/4 of cars parked all day on the block on weekdays are commuters. A resident needing to ship or take kids to school return to find the block parked solid with non-residents near their house.

A big problem, getting significantly worse over the last few years!

PROPOSED NPP COMMENT FORM

07/16/15

NAME: PETER TROUP

ADDRESS: 1001 Spruce St. 80302

EMAIL: PETERTROUP@COMCAST.NET

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

Why not consider changing to 2 hr. (vs 3 hr) free parking limits? This will increase "revenue" (tickets) - and the turnover of parking spaces for visitors. Also - painting "space-lines" on Spruce → would help those clueless drivers ☺

PROPOSED NPP COMMENT FORM

07/16/15

NAME: DAN C. WINTERS

ADDRESS: 1450 Ithaca Dr Bldr 80305

EMAIL: dancwinters@yahoo.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier

COMMENTS:

almost NO NPP should be allowed.

Exception: If a new multi-use structure, which produces much more parking needs then I would agree with special parking.

(over please)

What about the polution caused by traf + enforcement cars patroling the area!!!

PROPOSED NPP COMMENT FORM

07/16/15

NAME: Louise Shorter

ADDRESS: 187 Lincoln P,

EMAIL: shorter.louise@gmail.com

ZONE - circle one: East Aurora, Mapleton, West Pearl, Whittier Chautauqua

COMMENTS:

Realizing that my neighborhood is in the beginning stage - I want to express my objection to any permit for my street.

(1) I'm not guaranteed a spot infront of my home

(2) ~~permits~~ We have issues relatively infrequently... a few hours on weekends or evenings when Chautauqua has an event - (3) events go longer than 2 hours

(4) Instead allow me to build a semi-cercular drive on the city easement - that gives me parking.

(5) Charging fees for residents makes us pay for 70% of the year when there is no parking issue.

(6) Are people really objecting to the foot traffic? Perhaps this as much or more than the auto parking??

(7) The Chautauqua bus is a great service

NEIGHBORHOOD PARKING PERMIT PROGRAM BACKGROUND

In 1986, the Boulder City Council adopted the Residential Permit Parking (RPP) program as a mechanism to relieve spillover parking in residential areas. The RPP program was designed to give preference in the use of on-street parking spaces to residents or businesses located within a designated zone, by restricting long and short-term non-resident parking on neighborhood streets. The program was first implemented in 1993 when RPP zones were established in the Mapleton Hill and University Hill neighborhoods. The RPP program restricted nonresident parking on neighborhood streets to two hours, Monday-Friday, 9 a.m. to 5 p.m. Concerns about the impacts associated with RPP implementation led Council to request an evaluation of the RPP program before proceeding with further zone implementation.

The Neighborhood Permit Parking (NPP) program was adopted by the City Council in May 1997 as an improved version of the RPP program. The NPP was designed to improve the balance between preserving neighborhood character and providing public access to community facilities. The new program provided for greater flexibility and new features not available under the RPP program, including:

- The availability of commuter permits within permit parking zones;
- The ability to tailor the time and duration of restrictions to meet the needs of the neighborhood; and,
- The one time only, per day, short-term parking component.

NPP parking restrictions limit on-street parking for vehicles without a parking permit. Vehicles without an NPP permit may park one time only, per day, per zone for the posted time limit and may not re-park in that zone again on the same day. Vehicles with a valid permit are exempt from the posted parking restrictions. Residents who live within an NPP zone may purchase up to two resident permits and receive up to two visitor passes per residence per year for $17/year. Businesses located within a zone may purchase up to three permits for use by employees and may apply for additional employee parking permits if necessary at $75/year.

The following are the existing NPP zones: Columbine, Fairview, Goss/Grove, High/Sunset, Mapleton Hill, University Hill, Whittier, University Heights, West Pearl, and East Ridge/Pennsylvania.

The NPP ordinance stipulates that up to four commuter permits may be issued per block face within an NPP zone to nonresidents. In November, 2012 Council authorized to change the ordinance making the commuter permit program a permanent part of the NPP ordinance. Commuter permits are issued on block faces where the average daily percentage of unoccupied parking spaces (“White Space”) exceeds 25 percent (15% in Goss/Grove). The maximum number of commuter permits issued on any one block face, within an NPP zone, is four. The current fee for commuter permits is $82 per quarter or $328 per year.

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Karen Rahn, Human Services Director
Betty Kilsdonk, Acting Senior Services Manager/HS Deputy Director
Jason Allen, Food Tax Rebate Administrator

Date: Oct. 6, 2015

Subject: Information Item: 2015 Food Tax Rebate Program

EXECUTIVE SUMMARY

This item presents a recap of the 2015 Food Tax Rebate Program (FTRP). The FTRP provides cash rebates to help compensate qualified low-income residents for sales tax paid on food items. Those eligible for rebates include low-income families, seniors and persons with disabilities.

In 2015, 857 applications were received. Eight hundred twenty-nine (829) applications were approved; one was not paid because the applicant passed away. Twenty-eight (28) applications were denied because they were incomplete, were submitted past the deadline or those applying did not meet the qualifications. Rebate amounts are $236 per family and $77 per individual. Since 2001, rebates have been indexed for inflation.

In 2015:

- 160 rebates were issued to families for a total of $37,760;
- 527 rebates were issued to seniors for a total of $40,579;
- 141 rebates were issued to persons with disabilities for a total of $10,857; and
- Total rebate disbursement was $89,196.

FISCAL IMPACT

The cost of the 2015 program, including administration ($16,703) and rebates ($89,196) was $105,899.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: There may be a small impact on local business, as a FTRP recipient may spend some or all of the rebate at businesses in the city of Boulder.
- Social: The rebate program helps low-income and disabled residents meet basic needs by providing a modest financial benefit.

BACKGROUND

Since passage of a voter initiative in 1967, Boulder has operated the FTRP to help compensate low-income residents for sales tax paid on food items.

To qualify for a rebate, an applicant must have been a resident of Boulder for the entire 2014 calendar year, meet the income guidelines, complete an Immigration Status Affidavit as required by state law and be one of the following:

a) A family with at least one child under 18 living at home;
b) A senior more than 62 years of age for the entire year; or
c) An individual with disabilities.

Applications were accepted March 1 through June 30. All who applied for a tax refund in 2014 were mailed an application for 2015. Program information was also available online at https://bouldercolorado.gov/seniors/food-tax-rebate-program. There is ongoing outreach to community organizations to enroll qualified clients.

The West Senior Center, 909 Arapahoe Avenue, is the main distribution point for applications and the location of applicant interviews.

ANALYSIS

In 2015 there were 6 percent fewer total applicants and 6 percent fewer qualified applicants than in 2014. An increase in families relocating outside of Boulder due to a tighter housing market after the 2013 flood may have been a factor. Of the total qualified applicants, 64 percent were seniors; 19 percent were families; and 17 percent were individuals with disabilities. The 2015 total rebate disbursement ($89,196) was 4 percent less than in 2014 ($93,132).

Applicants by Category, 2011-2015

Year	Total Applicants	Total Unqualified Applicants	**Total Qualified Applicants**	Qualified Families	Qualified Seniors	Qualified Individuals with Disabilities
2015	857	28	**829**	160	528	141
2014	910	26	**884**	172	540	172
2013	925	32	**893**	166	554	173
2012	871	33	**838**	162	526	150
2011	826	46	**780**	155	475	150
TOTAL	4389	165	**4224**	815	2623	786

NEXT STEPS

The FTRP accepts and processes applications from March through June of each year. The program is anticipated to operate in 2016 as it did in 2015. Outreach and publication of the program begins in February 2016. Outreach includes a press release, information on Channel 8, direct mailing of applications to all prior applicants and targeted outreach to the senior, Latino and affordable housing communities. Community agencies included in 2016 outreach efforts are the Center for People with Disabilities, the Emergency Family Assistance Association, the Family Resource Schools program and Boulder Housing Partners.

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Greg Testa, Chief of Police
Michael Calderazzo, Fire Chief
Mike Chard, Director of Boulder Office of Emergency Management
Maureen Rait, Executive Director of Public Works
Tracy Winfree, Director of Open Space and Mountain Parks
Jeff Dillon, Parks and Planning Superintendent
Jeff Arthur, Director of Public Works for Utilities
Annie Noble, Flood and Greenways Engineering Coordinator
Kurt Bauer, Engineering Project Manager
Christin Shepherd, Civil Engineer I

Date: Oct. 6, 2015

Subject: Information Item: City of Boulder Multi-Hazard Mitigation Plan 2015 Annual Review

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EXECUTIVE SUMMARY

This memo provides City Council members with the results of the 2015 annual review of the city's Multi-Hazard Mitigation Plan.

Boulder's Multi-Hazard Mitigation Plan (the Plan) was prepared pursuant to the requirements of the Federal Disaster Mitigation Act of 2000 to ensure the city would be eligible for the Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation and Hazard Mitigation Grant Program. The original Multi-Hazard Mitigation Plan was adopted by City Council on Aug. 19, 2008. As required by FEMA, a comprehensive update was adopted by City Council on April 2, 2013 and approved by FEMA on May 24, 2013. The city was significantly impacted by flooding in September 2013, resulting in an estimated $200 million dollars in private property damage to more than 6,500 homes and businesses and $28 million dollars in public infrastructure. The city is still recovering from the flood. Many of the action items listed in the Plan are being implemented through the city's flood recovery efforts.

The annual review is required to receive credit in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) and remain eligible for federal grants. Per the CRS credit criteria, the plan is to be reviewed annually and fully updated every five years. To achieve CRS credits and maintain grant eligibility, the annual review must be presented to the governing body and made available to the public via the Web. No action is required by council.

The 2015 plan review (**Attachment A)** was completed in the third quarter of 2015. In general, the annual review shows that much progress has been made since the comprehensive update was adopted in 2013. Implementation of the actions has resulted in:

- Greater community awareness of Boulder's vulnerability to natural hazards;
- Reduced vulnerability to these hazards; and
- Enhanced response preparation by agencies to reduce impacts of natural hazards.

An overview of the progress made towards implementing the Plan is provided in the Analysis section of this memo.

More information about Boulder's multi-hazard mitigation strategy can be found on the city's website, as can the full Plan.

FISCAL IMPACT

Implementation of the actions in the Multi-Hazard Mitigation Plan is funded by existing approved budgets.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Property damage, transportation and utilities disruption from natural and man-made disasters can cause substantial economic costs. Action items identified in the Plan were developed to reduce the risk to life and property and disruptions to business.
- Environmental: Implementation of the recommended Plan's action items will help reduce damage to the environment resulting from natural and man-made disasters.
- Social: Implementation of the Plan's action items will help reduce the risk to life and damage to property along Boulder Creek and its fifteen tributaries, including at-risk populations.

BACKGROUND

The NFIP CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Flood insurance premium rates are discounted based on the community's efforts to reduce flood losses beyond the minimum requirements. The City of Boulder participates in the CRS program and currently has a community rating of 5 out of 10 (1 being the highest rating). This rating provides an annual flood insurance premium discount of up to 25 percent for property owners. The City's rating has steadily improved since 2010.

Each participating community must submit documentation to FEMA for annual recertification. Community ratings can change depending on the current level of flood mitigation activities. One of the program elements the City of Boulder elected to participate in was the preparation of a Multi-Hazard Mitigation Plan. The Plan is intended to be a dynamic, living document. As a result, to achieve CRS credits and maintain grant eligibility, the Plan must be reviewed on an

annual basis, presented to the governing body (council) and made available to the public via the Web. Every five years, the Plan needs to be fully updated. The annual review must evaluate each of the mitigation actions and submit the review to the governing body, be released to the media and made available to the public. Credit for floodplain management planning is dependent on the report being submitted with the community's annual CRS recertification, which is due Oct. 1 of each year. The plan was updated and submitted to FEMA in 2014 and was submitted to the state on Oct. 1, 2015 to meet its required deadline.

ANALYSIS

The City of Boulder Multi-Hazard Mitigation Plan has three goals:

1. Increase community awareness of Boulder's vulnerability to natural hazards;
2. Reduce vulnerability of people, property and the environment to natural hazards; and
3. Increase interagency capabilities and coordination to reduce the impacts of natural hazards.

To meet identified goals, the plan recommends 33 mitigation actions. The actions include:

- Twelve multi-hazard actions;
- Twelve flood actions;
- One human health action;
- Six wildfire actions; and
- Two drought actions.

In the full plan, each of the actions includes a description of the issue, background context, identification of alternatives if applicable, the responsible office, the priority, cost estimate, estimated benefits, potential funding sources and schedule. **Attachment A** presents the 2015 annual review of the Multi-Hazard Mitigation Plan.

The following provides an overview based on the 2015 annual review of the progress made toward implementing the Multi-Hazard Mitigation plan's 33 action items since its acceptance in 2013:

- Twelve actions relate to <u>multiple hazards</u> and most all are being implemented or are in progress. These include public outreach efforts, emergency warning and automated vehicle location system enhancements, development and implementation of an evacuation plan, development of a recovery plan, preplanning of prime evacuation points and shelter locations, preparation of pre-disaster forms to facilitate public assistance by FEMA post-disaster, becoming a StormReady Designated community and urban forestry management.

- Twelve actions relate to <u>flood mitigation</u>. Six actions have been completed or are underway including: the approval of a critical facilities ordinance, the development of two floodplain mitigation plans, development of three other mitigation plans that are in progress, mapping updates for seven of the fifteen major drainageways, city acquisition of several properties in the high hazard flood zone and the installation of a camera along Bear Canyon Creek.

- One <u>human health</u> mitigation action relates to control of West Nile Virus (WNV). Council adopted the WNV mosquito management plan in 2004 and amended it in 2006. The monitoring and control program has been implemented on an annual basis and this

management plan has been successful in controlling WNV mosquito populations. The WNV risk index has not reached levels to warrant further action or response.

- Six actions relate to wildfire mitigation, all of which have been implemented or are in progress including: the adoption of a Structure Protection Plan, approved bond funding to construct a new Wildland Fire Facility (a temporary certificate of occupancy was issued on June 18, 2015), the upgrade of six seasonal wildland firefighting positions to full time, completion of significant forest restoration and fire mitigation work, and the commencement of a watershed planning study for the Middle Boulder Creek Watershed.

- Two actions relate to drought mitigation. A drought mitigation plan was developed in 2003 and updated in 2010. Drought status continues to be evaluated every year in accordance with the city's drought plan, and it has been determined that the existing drought plan is adequate for the city's needs for the foreseeable future.

NEXT STEPS

The 2015 annual update has been submitted to FEMA for credit with the community's annual CRS recertification. Per the CRS credit criteria, the Plan is to be reviewed annually and fully updated every five years. As a result, an annual review will be conducted in 2016 and 2017, and a full plan update is scheduled for 2018. Annual reviews will be sent to City Council and made available to the public via the multi-hazard mitigation pages on the city's website.

The city continues to recover from the 2013 flood. The city's flood recovery workplan has been coordinated with the actions identified in the MHMP and are being implemented to build upon the lessons learned and best practices identified in the recovery process. Additionally, the city continues to participate in the BoCo Strong Resilience network, which has hired three resilience coordinators to assist in countywide efforts for increasing disaster resilience, including inside the City of Boulder. The city is also participating in the creation of a local Volunteer Organizations Active in Disasters (VOAD) organization and has officially joined as a partner agency.

ATTACHMENT

A – City of Boulder Multi-Hazard Mitigation Plan 2015 Annual Review

City of Boulder Multi-Hazard Mitigation Plan
2015 Annual Review

INTRODUCTION

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Flood insurance premium rates for community members are discounted based on the community's efforts to reduce flood losses beyond the minimum requirements. The City of Boulder participates in the CRS program and currently has a community rating of 5 out of 10 (1 being the highest rating). This rating provides an annual flood insurance premium discount of approximately 25 percent for property owners. The city's rating has steadily improved since 2010, when the rating was a seven and only provided for a 15 percent discount for property owners.

Participating communities must submit documentation annually to the Federal Emergency Management Agency (FEMA) for recertification by Oct. 1. One program element the City of Boulder elected to participate in was the preparation of a Multi-Hazard Mitigation Plan. The plan was prepared pursuant to the requirements of the federal Disaster Mitigation Act of 2000 so that the city would be eligible for the FEMA Pre-Disaster Mitigation and Hazard Mitigation Grant Program in addition to achieving CRS credits. The original Multi-Hazard Mitigation Plan was adopted by City Council on Aug.19, 2008, and a comprehensive update was adopted by City Council on April 2, 2013 and approved by FEMA on May 24, 2013.

More information about Boulder's multi-hazard mitigation strategy can be found on the city's website, as can the full Plan.

While the comprehensive update was prepared and adopted prior to the September 2013 flood, many of the action items in the plan have been implemented as a response to that event, improving the city's and county's preparation for and response to natural hazard events in the future.

BACKGROUND

The Multi-Hazard Mitigation Plan is required to include a description of mitigation goals that reduce or avoid long-term vulnerabilities to identified hazards. Goals were defined as broad-based public policy statements that are stated without regard for implementation, that is, implementation cost, schedule and means are not considered. For the purposes of the plan, goals are defined before considering how to accomplish them so that the goals are not dependent on the means of achievement. Goal statements form the basis for objectives and actions that will be used as means to achieve the goals.

The City of Boulder Multi-Hazard Mitigation Plan has three goals:

Goal 1: Increase Community Awareness of Boulder's Vulnerability to Natural Hazards

- This goal will be accomplished through actions that inform and educate the community about the types of hazards the City of Boulder is exposed to, where they occur and recommended responses.

Goal 2: Reduce Vulnerability of People, Property, and the Environment to Natural Hazards

- This goal will be accomplished through mechanisms that enhance life safety and by reducing impacts to critical facilities, existing infrastructure, future development, natural and historic resources and public health. Provide mechanisms to enhance life safety.

Goal 3: Increase Interagency Capabilities and Coordination to Reduce the Impacts of Natural Hazards

- This goal will be accomplished by continuing to collaborate and coordinate with other agencies on planning, projects, hazard response and funding opportunities.

To meet identified goals, the plan recommends 33 mitigation actions: twelve multi-hazard, twelve flood, one human health, six wildfire and two drought actions.

The full plan includes a description of each action, identification of alternatives if applicable, the responsible office, the priority, a cost estimate, estimated benefits, potential funding sources and schedule.

EVALUATION OF PLAN ACTIONS

Each of the 33 actions was reviewed by the responsible office. The review includes a statement on how much has been accomplished, when the action is scheduled to be addressed, or if modifications to the action are recommended. The following presents the annual review by action item.

Multi-Hazard Actions

Action #1: Outreach Efforts Associated with BoCo911Alert.com

Action Background: Now that many families have stopped using telephone land lines, efforts to ensure that emergency notifications can be sent to people potentially impacted by emergency situations need to be made. Public safety agencies throughout Boulder County are switching to a new emergency notification system which is accessible at BoCO911Alert.com. This system will allow residents of the county and all cities within the county to be notified of an emergency situation in a variety of ways, including on their cell phone, home and work phones, by text messaging and e-mail. This project would include outreach efforts to raise awareness about BoCO911Alert.com to increase the number of subscribers.

Reviewer / Responsible Office: Boulder Office of Emergency Management (OEM)

Action Status: This action is ongoing. The Boulder OEM website has been updated to include BOCO911Alert.com as a link to allow for community sign up. Media releases throughout 2014

included not only the current topic but also included the BOCO911 sign up message. Three community meetings related to flooding in the City of Boulder were held with the BOCO911.Alert message in the agenda. Social media is also being used to push the BOCO911.Alert message. As part of flood outreach efforts in 2014, more than 1,000 households were visited, which included information on signing up for BoCo911altert.com, and canvassers carried iPads to sign up residents they spoke with.

Action # 2. Develop Updated City Continuity of Operations and Emergency Evacuation Plans

Action Background: The city has outdated or incomplete plans for staff evacuation and continuity of operations following a disaster. These plans need to be updated and/or developed to ensure adequate safety and services.

Reviewer / Responsible Office: Boulder OEM

Action Status: This action is in progress. Small updates to the city's Continuity of Operations Plan (COOP) and emergency evacuation plans were completed in May 2015. Evacuation information for every city facility was posted on the employee intraweb in 2014. Evacuation maps will continue to be posted in all city facilities within the floodplain. The city updated the employee all-hazards alert notification system in the spring of 2015, and it completed outreach with each department to train employees on the updates to the system, including a training video that was sent to all city employees which was viewed more than 440 times. The September 2013 flood was a real application of these plans, and the lessons learned will be applied and plans will be revised and updated. Flood recovery and Office of Emergency Management staff teams are continuing to assist in coordinating updates to the COOP and facility emergency plans in conjunction with a multi-departmental staff team. COOP and Emergency Evacuation Plan updates are scheduled to begin at the end of 2015.

Action #3. Preplan Prime Evacuation Points/Shelter Locations for Emergency Situations (fire, flood, snow, etc.)

Action Background: The city and county have developed systems to alert the public when there is an emergency or disaster. These mass notification systems are effective tools to use when evacuating the public out of harm's way. Currently there is not a plan or infrastructure to identify locations or facilities as pre-designated evacuation sites. There is a shelter plan, and this is managed through the OEM by Essential Support Function (ESF) 6 Mass Care and the local Red Cross. Shelters take 2 to 3 hours to establish, and evacuation sites or locations are to be the intermediary locations for the public to gather safely and obtain information with little assistance provided except for immediate life-threatening and safety issues. This project would entail preplanning prime evacuation points/shelter locations for emergency situations (fire, flood, snow, etc.).

Reviewer / Responsible Office: Boulder OEM

Action Status: This action is in progress.

Boulder OEM has worked with the Red Cross to verify shelter locations and Americans with Disabilities Act compliance. The shelter list and locations were updated in 2014. ESF 6- Mass Care has performed an After Action Report from flood disaster and is making improvements. An improvement plan is pending the hiring of additional staff. ESF 6- Mass Care created an Emergency Operation Center summary sheet describing the roles, responsibilities and operational concepts of operations. ESF Planning involves evacuations, mass care and unmet needs.

Operational Planning has emergency notification areas with evacuation points identified. Having areas predetermined makes it is easier to launch messages and also know the size of evacuation for shelter capacity and location of the shelter. This was completed in 2015.

Three access and functional needs shelters in the county exist right now. North Boulder Recreation Center is currently in the inventory, and East Boulder Recreation Center is becoming an access functional needs site and was scheduled to be completed in 2015. However, this was delayed due to grant funding problems. There is still a possibility that it will be completed in 2015. The Boulder County Amateur Radio Emergency Services (BCARES) is a volunteer radio organization that eploys to all shelter sites for communications between the EOC and shelter.

Action #4. Prepare pre-disaster forms to facilitate public infrastructure mitigation through the FEMA public assistance program during post-disaster recovery

Action Background: Following a disaster there is a 60-day filing time to complete project sheets to qualify for funding under the Public Assistance (PA) program within a Stafford Act (Presidential Disaster) Declaration. Having the critical infrastructure project sheets completed in advance and updated yearly ensures that the City of Boulder will qualify to the maximum benefit under a disaster declaration within reimbursement cost sharing guidelines. In addition, if mitigation projects are included in the assessment and written into the project sheets, it will increase opportunities to apply mitigation projects into the recovery process. This project would entail assembling, in a pre-disaster environment, data for PA forms for infrastructure that would be expected to be impacted by flood, fire or technological hazards.

Reviewer / Responsible Office: Boulder OEM

Action Status: This action is in progress. The city experienced challenges with damage assessment following the 2013 flood for public infrastructure because of a lack of a standardized process and understanding of necessary forms. In September 2015 the city and county acquired a subscription to Crisis Track, cloud-based damage assessment software that allows for the documentation of damage for public infrastructure and private property, as well as the tracking of staff time and equipment. The software then compiles and completes the Preliminary Damage Assessment FEMA forms. Implementation and testing will continue through 2016. The city and county are updating the damage assessment annexes to reflect the new processes and procedures.

Additionally, because of the 2013 and 2015 Presidential Disasters, the city is currently engaged in the PA process. The city has 59 Project Worksheets with FEMA for the 2013 Disaster, and an

anticipated 2 Project Worksheets for the 2015 Disaster. The city is documenting lessons learned and procedures necessary for PA eligibility in a city FEMA Handbook to inform future disaster recovery programs.

Action #5. Recovery Plan Development

Action Background: The joint recovery plans for the City of Boulder and Boulder County are currently under development and will integrate the efforts of the Urban Area Security Initiative (UASI) Wide Area Recovery Plan and the State of Colorado Recovery Plan. Recovery planning is important because mitigation projects and efforts post disaster are coordinated through the recovery coordination group.

Reviewer / Responsible Office: Boulder OEM

Action Status: This action is in progress. A Recovery Plan and a Damage Assessment Plan were completed prior to the 2013 flood. Lessons learned from the 2013 flood highlighted several areas where a more robust recovery structure and recovery plan is necessary. The city completed a Flood Recovery after action report on Sept. 11, 2015, identifying best practices and lessons learned in the recovery process to date. Development of the recovery plan and associated annexes are underway and will continue into 2016.

Action #6. Become a StormReady Designated Community

Action Background: The National Weather Service (NWS) provides a StormReady assessment for local communities that develop their severe weather monitoring capability, public warning systems and rain and stream gauge monitoring systems. If a community obtains this rating they can receive credits under the Community Rating System, which could potentially lower the cost of flood insurance for residents. Boulder OEM has been working with the NWS to prepare and submit this application in 2012.

Reviewer / Responsible Office: Boulder OEM

Action Status: This action is complete. The City of Boulder and Boulder County were designated as StormReady in 2013.

Action #7. Increase Web-based Public Outreach

Action Background: Increasing public awareness of hazards in the city and county is a goal of this plan and an ongoing activity of Boulder Office of Emergency Management (OEM). This project would continue and supplement existing community outreach efforts, with additional Web-based information on hazards and personal preparedness measures.

Reviewer / Responsible Office: Boulder OEM/City of Boulder Public Works

Action Status: This action is in progress. In spring 2014, the city launched an eight-week campaign to increase public awareness of flood safety and personal preparedness measures. The campaign was paired with online advertising, social media posts and an integrated Web presence.

The advertisements and messages pointed users to Boulder's Community Guide to Flood Safety, a comprehensive guide about preparation before, during and after a flood. Based on campaign metrics, a total of 311,184 Boulder County residents saw some iteration of the Web-based public outreach. The information continues to remain on the boulderfloodinfo.net web page and the content is kept current.

Action #8. Enhance Outdoor Emergency Warning System - add sirens to northwest, east and southeast areas of the city

Action Background: There are 11 outdoor warning sirens operating in the City of Boulder currently. The sirens should be evaluated for risk placement to ensure coverage serves the identified hazard message capability of the system. For example, the sirens in Sector 5 may need to be moved farther west to increase coverage capability. The movement may require additional sirens toward the core of the city in the Northern corridor. In addition, to cover the entire city, it possibly could require six additional sirens.

Reviewer / Responsible Office: Boulder OEM

Action Status: This action is in progress. A siren inventory has been verified to determine coverage gaps and determined approximate six locations where sirens should be installed; three sirens west of Broadway (one west of Lee Hill Road and Broadway, one west of Linden Avenue and Broadway, and one in the vicinity of Boulder Community Hospital); the neighborhood southeast of the intersection of Baseline Road and Foothills Parkway (near the East Boulder Recreation Center or Manhattan Middle School); the area around 55th Street and Valmont Road; and also the city properties in Gunbarrel, as there are no nearby sirens in that area at all. Sirens are intended for outdoor warning, so they don't necessarily need to be placed only in neighborhoods but anywhere the active Boulder citizens play outdoors. The cost estimate is $45,000 dollars per siren. Yearly verification of the functional status of all sirens is performed and the sirens are remotely tested once a month from April to August with silent testing weekly.

Action #9. Implement Replacement Planting Program to Meet Tree Criteria

Action Background: Target a 2:1 replacement ratio for the planting program and target species diversity such that no tree species comprises more than 10 percent of the current population (consistent with City of Boulder Environmental Management Audit 2001).

Reviewer / Responsible Office: Parks and Recreation Department

Action Status: This action is in progress. The current annual Parks and Recreation Forestry tree planting budget is $18,500. This budget allows approximately 65 trees to be planted per year. The workgroup removed on average 310 trees annually (this figure does not account for losses

due to Emerald Ash Borer (EAB)). A minimum of a 2:1 planting-to-tree-removal ratio should be implemented to maintain the urban tree canopy. In 2010 thru 2014, the city Urban Forestry work group has achieved a minimum of a 2:1 planting ratio using funding from the Tree Mitigation program. The Forestry workgroup receives reimbursement for trees removed or destroyed per B.R.C, 6-6-7. However, this funding source varies from year to year and therefore not stable.

It is important to maintain tree diversity in all tree planting related to city projects as well as through development to make local ecosystems more resilient to threats from invasive tree pests and to canopy impacts due to climate change. Parks and Recreation Forestry planted more than 35 different tree species in 2014 and 2015.

There are 6,000 ash trees (12 percent of the total) on public property. It is estimated there are an additional 66,000 ash trees on private property and naturalized along creek corridors. In 2015-2018, Parks and Recreation Forestry will receive an additional $230,000 annually from Capital Improvement Program funding for EAB management, including tree planting.

Action #10. Increase Urban Forest Canopy from 7 Percent to 9 Percent in Commercial Areas and from 31 Percent to 35 Percent in Residential Areas to Provide Maximum Flood Reduction Benefit

Action Background: Extensive research conducted worldwide provides evidence that stream degradation occurs with as little as 10 percent impervious cover. During storms, accumulated pollutants are quickly washed off and rapidly delivered to aquatic systems as stormwater runoff. In a typical small-scale storm event (0.5 inches), highly concentrated and polluted stormwater would, without interference, flow directly into Boulder's waterways. These small storms are responsible for most pollutant washout, also known as the "first flush" effect. Urban stormwater runoff is the second most common source of water pollution for lakes and estuaries and the third most common source for rivers nationwide (From Calculating the Value of Boulder's Urban Forest, October 2002, Chapter 1, page 2).

Trees in urban areas can protect water quality by substantially reducing the amount of runoff from the more frequent but less extreme storm events that are responsible for most annual pollutant runoff. Infiltrating and treating stormwater runoff on site can reduce runoff and pollutant loads by 20 to 60 percent. Trees' extensive fibrous root systems also hold soil in place, reducing further impacts on water quality caused by erosion (From Calculating the Value of Boulder's Urban Forest, October 2002, Chapter 1, page 4).

Reviewer / Responsible Office: Parks and Recreation Department

Action Status: This action is in progress. The numbers stated in the action item were extrapolated from a series of plots within the city. Parks and Recreation Forestry staff is exploring options to gain a more accurate analysis of the urban tree canopy using existing LiDAR data. The Forestry Division received additional funding starting in 2009 for tree planting and maintenance in the commercial areas. Forestry planted 255 trees in the Business Improvement District since spring 2008 (23 trees in 2008, 19 trees in 2009, 33 trees in 2010, 25 trees in 2011, 24 trees in 2012, 21 trees in 2013, 63 trees in 2014, and 47 trees in 2015).

Ash trees comprise at least 12 percent of the urban tree canopy, and it is estimated the City of Boulder has more than 72,000 ash trees on both public and private property. In September 2013, City of Boulder Parks and Recreation Forestry staff discovered an emerald ash borer (EAB) infestation within the city. The subsequent delimitation survey showed EAB is well established within a corridor in central Boulder. Over the next decade, EAB management, including tree removal, tree replacement, wood disposal and pesticide treatments, will have a significant direct budgetary impact to the City of Boulder and private residents. The loss of urban tree canopy will have considerable economic, social and environmental impacts for decades.

Forestry staff developed EAB Workplans for 2014-2015 to respond to the infestation within the city and potentially slow the spread throughout Boulder and to nearby communities. Long-term strategies and recommendations will be discussed with City Council in a Study Session in 2015.

Action #11. Implement a System of Automatic Vehicle Location for Police, Fire and Snow Removal Vehicles

Action Background: City snow removal vehicles now have GPS vehicle locators; however, this information is not shared with police, fire and other agencies. Police and fire vehicles, if equipped with automatic vehicle location (AVL), will enable better tracking and dispatching of resources. Tracking of resources during flood warnings will enable police, fire and snow vehicles potentially at risk to flooding to be mobilized. During a major flood event on Boulder Creek, the city will be cut in two. The AVL system will help the tracking and dispatching of resources on the north and south sides of Boulder Creek. Sharing of snow removal vehicle movement during winter storms and blizzards will assist fire and police personnel with emergency response access and evacuation needs.

Reviewer / Responsible Office: Boulder Office of Emergency Management

Action Status: This action is in progress.

Action #12. Increase Rotational Pruning of Street Trees to Eight Years

Action Background: The current pruning rotation of ten years places undue stress on the urban forest. Increasing the pruning rotation from 10 years to eight years will improve structure, reduce sight clearance problems, remove deadwood, mechanically remove insect and disease problems and, most importantly, reduce potential liability. An eight-year pruning rotation would make trees stronger and more resistant to storm, freeze and snow damage, thus reducing post-storm cleanup costs and liability exposure.

Note that Boulder's urban forest, when maintained in a healthy condition, returns benefits of $56 per tree or $2 million annually. Furthermore, for every $1 spent on tree care, Boulder receives $3.64 in benefits (E.G. McPherson, et al. September 2005).

Reviewer / Responsible Office: Parks and Recreation Department

Action Status: This action is in progress. The current city pruning rotation of 10 years for trees in the public street rights-of-way and eight years for city park trees was based on the 2000 tree inventory of 35,502 total public trees. An additional $30,000 was allocated to the Parks and Recreation Forestry Division in 2014 and is on-going to ensure the current pruning rotation could be maintained given additional public trees added through development projects. An updated inventory of the public city park and street right-of-way trees was completed in July 2015 and showed an increase of 14,822 trees (to 50,324 total trees) over the 15-year period. Parks and Recreation Forestry staff is currently analyzing the new tree inventory figures to determine the pruning rotation for the next five years.

Flood Mitigation Actions

Action #13. Enhance Flood Warning System on Smaller Tributaries

Action Background: There are 14 tributaries to Boulder Creek that flow through the City of Boulder. The city has an extensive network of rain and stream gages that provide real-time data for Boulder Creek and South Boulder Creek. The city also has cameras showing stream conditions on Boulder Creek and Fourmile Creek. The city is 'blind', however, on most of the smaller tributaries. Storm flows in these tributaries peak too quickly to make installation of stream gages effective. Installation of cameras, however, would greatly enhance the city's knowledge of flood conditions along the smaller tributaries. Installation of additional rain gages located within the city's smaller tributary watersheds would also provide reliable real-time information that could be accessed by the Urban Drainage and Flood Control's ALERT network.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. The city installed a camera along Bear Canyon Creek in spring of 2013. The city will continue to evaluate the need and location options for additional cameras such as along Fourmile Canyon Creek.

Action #14. Relocate Fire Station out of 100-year Floodplain

Action Background: As noted in the City of Boulder's 2011 Operations and Management Assessment, Fire Station #3 at Arapahoe Avenue and 30th Street is currently located in the 100-year floodplain. The city's 2012 Fire Master Plan also recommends that a new station include administrative staff space and records storage. This project would entail relocation of the station to a location outside of the 100- and 500- year floodplains.

Reviewer / Responsible Office: Public Works Department/Fire-Rescue Department

Action Status: This action is in progress. In August 2013, the critical facilities ordinance was approved by City Council which identified requirements for critical city facilities in the 500-year floodplain, which a fire station would be subject to.

The Fire Department and Information Resources have mapped out response times of existing stations with current and expected growth in the city to identify optimal station locations. Per City Council's request, the Fire Department is also looking at smaller fire response vehicles, which will affect station sizing. Public Works and the Fire Department will conduct a space study for sizing a new Fire Station 3 and it was anticipated that this study will be completed in spring 2015. The goal is to identify the cost of a new station in preparation for a possible 2016 bond to go to the citizens of Boulder.

In April 2015, Boulder City Council approved an update to the Fire Master Plan that included a space needs study for a new Fire Station #3. A new station would be 13,600 square feet in size, not including circulation and a possible community use space. Current construction costs range from $4.8 million to $6 million, not including land costs. City staff are now identifying funding options for this large capital project (which may necessitate voter approved bonding) and discussing potential sites for relocation.

Action #15. Flood Hazard Prioritization

Action Background: The city prepares flood mitigation studies for each of the major drainageways. The flood mitigation studies prioritize capital improvements within each drainageway. The city, however, has not conducted an evaluation to prioritize flood mitigation efforts citywide.

Reviewer / Responsible Office: Public Works Department

Action Status: No action has been taken to date. However, funding for this study is scheduled for 2017.

Action #16. Update the Comprehensive Flood and Stormwater Master Plan (CFS)

Action Background: The city prepared a Comprehensive Flood and Stormwater Master Plan (CFS) in 2004. The plan provides a framework for evaluating, developing and implementing programs and activities related to the city's flood management, stormwater quality and stormwater drainage systems. The plan is nearly eleven years old and requires updating.

Reviewer / Responsible Office: Public Works Department

Action Status: No action has been taken to date. However, funding for this study is scheduled for 2017.

Action #17. Update Flood Preparedness Web Mapping Site

Action Background: The Flood Preparedness website is a primary tool for city flood preparedness. The site brings together a large amount of city GIS data with real-time rain and stream gages along with National Weather Service radar information. ESRI, the GIS software company, will sunset the WebADF API in future releases of software, meaning the Flood Preparedness site will not work with newer versions of ESRI's ArcServer web server software.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is complete. The city has reprogrammed the site using JavaScript, HTML5 and CSS. The updated Flood Preparedness website is now available on a desktop, tablet or mobile device.

Action #18. Develop Flood Mitigation Plans After Flood Mapping Updates

Action Background: Develop major drainageway flood mitigation plans following floodplain mapping updates.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. Following the 2013 flood, the city accelerated its flood mitigation plan work program. Floodplain mitigation studies have been developed for Fourmile Canyon Creek and Wonderland Creek. A floodplain mitigation plan was recently approved for South Boulder Creek, and planning efforts are underway for Gregory Canyon Creek and Bear Canyon Creek. A watershed master plan for Boulder Creek is currently being developed by the Urban Drainage and Flood Control District. A flood mitigation master plan is scheduled to begin in 2016 for Twomile Canyon Creek and Upper Goose Creek.

Action #19. Implement Mitigation Plan for Fourmile Creek and Wonderland Creek

Action Background: Fourmile Canyon Creek and Wonderland Creek exhibit a significant flood risk to a number of residential neighborhoods in Boulder. The existing system is undersized along most reaches of both creeks. Fourmile Canyon Creek spills to Wonderland Creek during storms greater than the 50-year event, increasing the flood risk along Wonderland Creek during major events. In addition, approximately 20 percent of the Fourmile burn area that occurred in 2010 is tributary to Fourmile Canyon Creek. The burn area will increase the flood risk along Fourmile Canyon Creek for up to the next 10 years. The Fourmile Canyon and Wonderland Creek Flood Mitigation Final Plan presents background information and recommended flood mitigation measures.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. A Community and Environmental Assessment Process (CEAP) was approved in March 2012 for flood improvements and multi-use path enhancements from 19th Street to Tamarack Avenue along Fourmile Canyon Creek. The recommended improvements include constructing a new underpass at 19th Street with a path connection to Tamarack Avenue. The improvements are in the final design phase with construction to start in the summer 2016. A CEAP evaluating upstream mitigation alternatives is currently underway and will focus on increased channel and crossing capacity at Upland Avenue and Violet Avenue,

as well as detention and sediment capture possibilities. Recommended alternatives are slated to be presented to City County in early 2016 through a final CEAP.

Flood and multi-use path improvements along Wonderland Creek from Foothills Parkway to Winding Trail Drive are scheduled to be constructed in 2016. Improvements include underpasses at the Burlington Northern Railroad, Kalmia Avenue and 28th Street, which all serve both a flood mitigation and bicycle and pedestrian access benefit.

Action #20. Update City's Floodplain Mapping

Action Background: The city recognizes that floodplain maps need to be periodically revised to incorporate changes in development, modeling techniques and improved topographic data. The city's goal is to update floodplain mapping every 10 years. The city is currently updating the mapping for Boulder Creek, Skunk Creek, Kings Gulch, Bluebell Canyon Creek, Boulder Slough, Upper Goose and Two Mile Canyon Creek. The city's goal is to keep all 14 tributaries to Boulder Creek current within a 10-year timeframe. Other basins that will need future updating include Sunshine Canyon Creek.

Updates to floodplain mapping should include the development of depth grids which can be imported and used to refine loss estimation for benefit/cost analyses.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. Mapping for Boulder Creek, Bear Canyon Creek, Upper Goose and Twomile Canyon Creek, and Boulder Slough has been updated and adopted through City Council. Those mapping studies have been submitted to the Federal Emergency Management Agency (FEMA) for final approval.

Flood mapping for Skunk Creek, Bluebell Canyon Creek and Kings Gulch are currently going through analysis. A floodplain mapping update for Sunshine Canyon Creek was initiated in 2013 by the Colorado Water Conservation Board and is still in process.

Action #21. Acquire Properties in the High Hazard Flood Zone

Action Background: Numerous structures are located in the City of Boulder's High Hazard Flood Zone where there exists the potential for risk to life and safety. In 1989, Boulder created a floodplain ordinance that prohibits new construction of structures intended for human occupancy in the High Hazard Zone. As part of this objective, community acquisition and removal of high hazard structures has been a key component of mitigating floodplain impacts in the city. The High Hazard Zone acquisition program has been in place for many years with funding by the flood management utility. Available funds are leveraged with matching funds from other organizations such as the Urban Drainage and Flood Control District, and purchases are made as high hazard properties become available on the market.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. The city budgets $500,000 a year to purchase property from willing sellers in flood prone areas. This is an on-going effort. The following properties have been acquired for the sole purpose of removing them from flood risk and not for the purpose of completing a drainageway improvement project:

- 299 Arapahoe
- 810 Marine
- 1228 17th St.
- 1800 Violet
- 1650 Alpine
- 2400 Topaz
- 2435 Topaz
- 2446 Sumac
- 2490 Topaz
- 2650-2660 13th St.
- 4018 26th St.

Action #22. Mitigate Flooding in the South Boulder Creek Floodplain

Action Background: Updated floodplain mapping has identified several hundred residential structures to be subject to South Boulder Creek flooding that are located in the city and were previously not determined to be in the floodplain. These structures were developed without flood protection measures. The large residential area is primarily "built-out" and is referred to as the West Valley. Flooding along South Boulder Creek within the city stems primarily from large storm events that result in overtopping of US 36 and corresponding flooding in the West Valley area. Flooding also results from 'local' basin contributions.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. A draft South Boulder Creek Major Drainageway Plan has been completed along with a study recommendation and presented to the Open Space Board of Trustees, the Water Resources Advisory Board, and City Council. City Council accepted the flood mitigation plan on Aug. 4, 2015. The recommended alternative includes three phases and would provide significant flood protection within the West Valley area, including eliminating the 100-year floodplain designation that currently affects approximately over 500 structures. The estimated cost of all three phases of the recommended alternative is approximately 44 million dollars. Construction of the project would require numerous permits, agreements with the University of Colorado Boulder, the Colorado Department of Transportation and the Boulder Valley School District, and would be regulated by the State Engineer's Office. Funding in the 2015-2020 Department of Public Works Utilities Division CIP budget for this project is $11,750,000. Staff will recommend increasing the budget in the 2016-2021 CIP by $15 million (in 2018) to a total of $26,750,000. The city would also seek grants to fund this project.

Action #23. Develop a Critical Facilities Floodplain Ordinance

Action Background: The 500-year floodplain affects approximately 20 percent of the incorporated lands in the City of Boulder. As a result, many of the community's critical facilities

are located in the 500-year floodplain. There is a significant concern with the location of critical facilities given the need to ensure that these facilities are operational and accessible during a major flood event. Adoption of an ordinance that regulates new construction and improvements for critical facilities to the 500-year flood level will offer a higher level of protection for these facilities from flood losses and damage that could render them unusable during times of need. In addition to adopting flood protection standards, the critical facilities ordinance offers a mechanism to support funding opportunities to flood proof existing facilities that are subject to flood impacts. Given the vital nature of critical facilities, protection from flooding is of particular interest to the community.

Reviewer / Responsible Office: Public Works Department

Action Status: This action complete. The ordinance was approved on Oct. 1, 2013 and became effective on March 1, 2014.

Action #24. Institute a Community Assisted Floodproofing Program Focusing on Critical Facilities

Action Background: Evolving trends and philosophies in national and regional floodplain management have outlined alternative approaches and measures for addressing flood hazards in the future. These trends focus on the "wise use of the nation's floodplains" and "no adverse impacts." In an effort to allow possible development and flood mitigation flexibility that would avoid the need to implement publicly funded drainageway improvements to contain flood waters, the City of Boulder is interested in establishing opportunities to permit limited applications of floodproofing of critical facilities. City assistance under the program would involve development and adoption of local floodplain regulations to approve floodproofing applications for property owners to implement improvements to their facilities. The program would be consistent with nonstructural measures endorsed under the Comprehensive Flood and Stormwater Master Plan. This action would be focused on critical facilities in the floodplain.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. The city provided assistance to help critical facilities complete emergency operations plans required by the 2014 Critical Facilities Ordinance by developing templates and guidelines that are available on the city's website.

Human Health Mitigation Actions

Action #25. Continue the City of Boulder West Nile Virus Mosquito Monitoring and Control Program

Action Background: West Nile Virus is a mosquito-vectored disease first detected in the United States in 1999 in New York City, which has since spread westward across the United States. While many people who contract the virus experience very mild symptoms, infection can result in severe and sometimes fatal illnesses. In 2003, Colorado led the country in West Nile cases and deaths. Colorado experienced a significant decrease in cases in 2004 and 2005. During the 2006

mosquito season, Colorado had a resurgence of cases and ranked second only to Idaho in the national case count. Boulder and Weld Counties reported the highest number of cases (74 and 68) in Colorado. As in years past, the City of Boulder and Boulder County continued to conduct a very intensive mosquito testing program. With the widespread and frequent testing throughout the county, 107 pools of mosquitoes tested positive for the virus, which was significantly more than most other Colorado counties.

The city's West Nile Virus Mosquito Management Plan was first adopted by City Council in 2004. Further refinements were adopted in 2006. The primary goal of the program is to reduce the risk of West Nile Virus infection while minimizing environmental impacts. The plan is directed at controlling the larval stages of vector mosquitoes and their sources. The objectives that have been used to accomplish this goal are categorizing the habitats that support mosquitoes that most effectively transmit WNV to humans; applying the larvicide (*Bacillus thuringiensis subspecies israelensis*, or *Bti*) to all sites where *Culex* species are found; using adult mosquito monitoring to provide an early warning system of the occurrence of West Nile Virus within and near city limits; developing trigger mechanisms to respond to early larval detection and/or heightened mosquito activity to appropriately increase management activity; utilizing thresholds for initiating adult mosquito control in emergency cases; and continuing the program to educate the public about West Nile Virus and increase awareness of the city's West Nile Virus Mosquito Management Plan.

Reviewer / Responsible Office: Planning, Housing and Sustainability Department

Action Status: This action is in progress. The management plan has been successful. The WNV risk index has not reached levels to warrant further action or response. Public education and outreach is crucial to reduce WNV risk by advising residents to drain standing water on their properties to reduce mosquito breeding habitat and to take personal protective measures to avoid mosquito bites.

Wildfire Mitigation Actions

Action #26. Structure Protection Plan

Action Background: The City of Boulder communities are at risk to wildfire. A Structure Protection Plan would provide a common operating picture of the needs of protecting the communities on the west side of the city from wildfires.

Reviewer / Responsible Office: Fire-Rescue Department

Action Status: This action is complete. The Structure Protection Plan was completed in 2012. This plan will be updated periodically as needed. As an additional safeguard for new structures built in the wildland fire area, the city adopted the International Wildland-Urban Interface Code (IWUIC) on Oct. 1, 2013. The effective date of the IWUIC was Jan. 31, 2014.

Action #27. Construct New Wildland Fire Facility

Action Background: The city's current wildland cache is in a residential unit at 1888 Violet. Due to zoning restrictions, the facility cannot be remodeled for what's needed for a wildland fire facility. In the November 2011 ballot, voters approved $1.15 million to construct a new Wildland Fire Facility; however, the 2011 Fire Operations and Management Assessment identified a need that doubled the space requirements from today's wildland fire operations to include adding permanent staff due to year-round wildland fire hazards and new equipment. A shortfall of $1.3 million from the bond funding is anticipated.

Reviewer / Responsible Office: Public Works Department/ Fire-Rescue Department

Action Status: This action is complete. The Wildland Fire Station (Station 8) was completed in August 2015 at a cost of $2.46 million.

The existing wildland cache was damaged beyond repair in the September 2013 flood and the building was demolished.

FEMA Hazard Mitigation Grant Program (HMGP) funding was approved for a new generator for the wildland fire station in 2014. The FEMA HGMP funds will cover 75 percent of the $47,000 cost for the new generator and the state will pay for 12.5 percent with the city paying for the remaining 12.5 percent. The generator will be completed by the end of November 2015.

Action #28. Implement the City's Community Wildfire Protection Plan

Action Background: The City of Boulder is listed in the National Fire Plan as a community at high risk from wildfire. In 2007, the city worked with consultants to develop a Community Wildfire Protection Plan (CWPP) to address the wildfire threats to the community. The plan meets the requirements of the federal Healthy Forests Restoration Act and outlines steps the city can take to reduce and mitigate the threats of wildfire. The CWPP could be considered a parallel document to the city's Forest Ecosystem Management Plan (FEMP) in that the CWPP addresses areas within the city boundary, and the FEMP is focused on adjacent wildlands. The CWPP outlines steps the city and private property owners can take to both mitigate the threat of wildfire and increase public safety in the event of a wildfire. The plan makes recommendations for fuels modification projects, safety zones, evacuation routes, addressing and ingress/egress routes. Funding for the plan development came from a combination of city departments and a matching state grant.

Reviewer / Responsible Office: Fire-Rescue Department/Open Space and Mountain Parks Department

Several of the recommended fuels treatments have been accomplished. The training recommendation has been addressed and is ongoing, along with the defensible space evaluations of high risk communities. The fuels treatment recommendations are ongoing and should be completed within two years. As an additional safeguard for new structures built in the wildland fire area, the city adopted the International Wildland-Urban Interface Code (IWUIC) on Oct. 1, 2013. The effective date of the IWUIC was Jan. 31, 2014. The other projects and recommendations are ongoing and continue to be revised.

Action #29. Implement the City's Forest Ecosystem Management Plan

Action Background: The City of Boulder Open Space and Mountain Parks Department (OSMP) manages approximately 10,000 acres of forested land. Due to the land's close proximity to homes, dense forest conditions and risks of fire ignition, the forests of Boulder fall within the high hazard category of the wildland-urban interface. In June 1999, the City Council approved the Forest Ecosystem Management Plan (FEMP). The plan established a framework, policy guidelines and management direction for forest ecosystem management on city lands. One of the FEMP's primary goals is to "reduce the wildfire risk to forest and human communities." Part of this objective includes forest thinning and prescriptive burning as key components in mitigating the threat of large scale wildfire. Forest treatments are to be completed on a steady basis under the plan. Funding for projects completed to date has come from the annual OSMP budget.

Reviewer / Responsible Office: Open Space and Mountain Parks Department

Action Status: This action is in progress. OSMP has completed more than 1,400 acres of forest restoration and fire mitigation work during the past 10 years. The department continues to fund an annual seasonal crew of eight people that is solely dedicated to the implementation of the city's Forest Ecosystem Management Plan. All of the treatments to date have been located in high hazard areas and areas that decrease the risk of wildfire to the city, surrounding homes or private property, or serve as important emergency egress routes. OSMP has also secured over $250,000 in federal and state grant funds over the past six years to help fund forest management and fire mitigation operations on city lands. Forest work will continue on OSMP for the foreseeable future and will continue to include mitigation efforts in areas directly adjacent to the city and in areas where heavy fuel loads pose a significant risk in the event of a wildfire.

No additional resources are necessary at this time, but an ongoing budget item to support seasonal crews is necessary for the work to continue in the future. This will continue to be a regular part of the OSMP operating budget.

Action #30. Increase Boulder Wildland Fire Hazard Mitigation Crew Funding

Action Background: Since the 1990s, Boulder has maintained its own seasonal Wildland Fire Hazard Mitigation Crew through the City of Boulder Fire–Rescue Department Wildland Fire Division. Funding for the mitigation crew has historically come from Open Space and Mountain Parks and the Fire–Rescue Department. Constrained budgets are supplemented by crew assignment to fire incidents outside the local area for which the department is reimbursed by the federal, state or local agency. While this reduces Boulder's cost to maintain the crew, it also

reduces their availability to complete needed hazard mitigation on city-owned lands. The Utilities Division proposes to contribute to the Wildland Fire Hazard Mitigation Crew funding with the objective of increasing crew size and availability to:

- Identify and plan measures to protect infrastructure and access to Utilities Division properties,
- Complete hazard mitigation projects on lands owned and managed by the Utilities Division, and
- Participate in broader community hazard mitigation projects that would reduce risks to Utilities Division lands and facilities.

Reviewer / Responsible Office: Public Works Department/ Fire-Rescue Department

Action Status: This action is complete. In 2014, the city completed a three-year plan to upgrade six seasonal wildland firefighting positions to fulltime. Additionally, Public Works pays the Fire Department mitigation crew to perform specified wildland fire mitigation near or around Public Works facilities as needed. The need varies from year-to-year.

Action #31. Develop a Wildland Fire Mitigation Program for the Middle Boulder Creek Watershed

Action Background: The city's Barker Reservoir and Middle Boulder Creek supply approximately 35 percent of Boulder's annual water needs. When considered in terms of both wildland fire hazard rating and structural density, the approximately 25,000-acre Middle Boulder Creek watershed contains large areas of high, very high and extreme danger for wildland fire. As has been experienced by other Colorado Front Range water providers, a major wildland fire can render a reservoir unusable for years when ash, sediment and debris from upstream fire-ravaged areas are washed into streams and reservoirs following a fire. Reservoir clean-up and rehabilitation costs can be in the millions of dollars, not including loss of use of the water or lost hydroelectric power revenues.

The city proposes partnering with the Front Range Fuels Treatment Partnership (FRFTP), a coalition of federal, state and local government agencies and private interests, to plan and implement a watershed-wide fire risk mitigation program targeted at the high and extreme risk areas within the Middle Boulder Creek basin. FRFTP exists to reduce wildland fire risks, protect communities from wildland fires and restore fire-adapted ecosystems in the 10-county Front Range corridor. The city has successfully partnered with the FRFTP in the past in the 38,000-acre Winiger Ridge Ecosystem Restoration Project just south of the Middle Boulder Creek basin.

The city will explore recent guidelines developed by the Colorado State Forest Service for Community Wildfire Protection Planning specific to prioritizing watersheds for fuels treatment.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. In 2012, the city began a pre- and post-fire watershed planning study. The study is being headed up by City Utilities staff in association with consultant JW Associates and involves small scale watershed hazard quantification and prioritization,

establishment of watershed goals, identification of potential management projects, post-fire planning and collaboration with other stakeholders. Phase 1 of the study, in which watershed wildfire hazards ratings were developed, was completed in 2014. Phase 2 of the study will be completed in the 2015 to 2016 timeframe with future management projects to follow.

Drought Mitigation Actions

Action #32. Review City Landscape Codes for Drought

Action Background: The city's Drought Plan and reliability criteria are used to determine if water restrictions are needed and the appropriate level of response. Initially only voluntary reductions are required but in later stages outdoor watering for landscapes is limited and ultimately prohibited.

In addition to city planning documents and existing Water Conservation Program efforts,

- The 2010 Statewide Water Supply Initiative recommended the following actions be taken by municipalities for landscape water use restrictions: Targeted audits for high demand landscape customers
- Landscape transformation of some high water requirement turf to low water requirement plantings
- Irrigation efficiency improvements

City codes related to landscaping and water conservation already have some low-water requirements which are, in part, designed to increase the resiliency of the city during times of drought.

Reviewer / Responsible Office: Public Works Department and Planning Housing & Sustainability Department

Action Status: This action is in progress. As part of the city's Water Efficiency Plan update in 2016, staff will evaluate if city landscape codes are sufficient to help mitigate drought concerns. Any changes to the landscaping codes would go through a public process and be evaluated by city advisory boards and/or City Council.

Action #33. Identify and Implement Priority Projects Identified in the City's Drought Plan

Action Background: The City of Boulder is subject to drought due to its location in a semiarid climate. City Council adopted a Drought Plan in 2003 to mitigate the effects of drought on the municipal water supply. The plan applies principles of water conservation and reliability criteria for the city's raw water system. The reliability criteria specify acceptable levels of frequency and amount of reduction in water availability due to drought for the various classifications of use. Water provided by the city serves multiple purposes ranging from critical uses that require an assured supply, such as water for drinking or firefighting, to uses that can tolerate occasional restrictions, such as outdoor irrigation or car washing. The Drought Plan provides guidance for recognizing droughts that will affect water supply availability and responding to these droughts.

Strategies for responding to drought include increasing the water supply (e.g., eliminate leasing programs to farmers, lease water and trade water) and decreasing water demand (e.g. voluntary restrictions and mandatory restrictions). Each option presents its own unique issues and must be considered individually and with respect to drought severity.

Reviewer / Responsible Office: Public Works Department

Action Status: This action is in progress. Monitoring the city's water supply and demand conditions is a continuous and ongoing process. Drought status was evaluated in accordance with the city's drought plan in the spring of 2015. Key water supply factors such as snowpack and reservoir storage levels were adequate such that no water restrictions were required. The existing drought plan is adequate for the city's needs for the foreseeable future. The update of Volume 2 of the drought plan mentioned in the 2012 MHMP has been put on hold to allow the city to focus on flood recovery in addition to other planning studies, which will better inform future drought updates (e.g. climate studies and water conservation planning).

The city is due to update its Water Efficiency Plan (formerly the Water Conservation Plan) in 2016 in accordance with Colorado Water Conservation Board requirements. The plan will include information from the planning studies mentioned above.

INFORMATION PACKET
MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney
Maureen Rait, Executive Director of Public Works
David Driskell, Executive Director of Community Planning, Housing, and Sustainability
Susan Richstone, Deputy Director of Community Planning, Housing, and Sustainability
David Gehr, Deputy City Attorney

Date: October 6, 2015

Subject: Plans for the Implementation of the initiated ballot measures if they pass.

- Ballot Question No. 300 Neighborhood Right to Vote on Land Use Regulation Changes
- Ballot Question No. 301 New Development Shall Pay Its Own Way

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EXECUTIVE SUMMARY

There are two planning related ballot measures that are on the ballot in November. One is on the neighborhood's right to vote on land use changes. The other is on requirements that development pay its own way for the burdens placed city facilities and services. The purpose of this memorandum is to provide council some information about how staff intends to begin the implementation of these measures if they pass. Staff anticipates that its thinking will continue to evolve as it considers approaches to the initiatives. Ultimate recommendations may vary or change as work plans are more fully developed and analyzed.

BACKGROUND

Two committees of registered voters prepared petitions to initiate charter changes earlier this year. Signatures were gathered and presented to the city to be certified for inclusion on the November 3, 2015 general municipal election ballot. The city council approved final ballot titles for the ballot questions at its September 1, 2015 meeting.

Ballot Question No. 300 is entitled **"Neighborhood Right to Vote on Land Use Regulation Changes."** The ballot title was approved by the council pursuant to Ordinance No. 8068. The initiative proposes to amend Article IV of the City Charter on direct legislation by the addition of a new section 43A. The new section would allow the referendum process to be used within neighborhoods to vote on certain land use regulations within a number of the city's residential zoning districts. Any of the enumerated changes do not become effective until 60 days after final passage. Neighborhood voters can then use this time to gather signatures within the neighborhood so that the law can be referred to the voters at a subsequent election. In order to be referred to the voters, a petition meeting charter requirements must be signed by ten percent of the registered electors of a residential neighborhood affected by such change.
A copy of the proposed Charter language is attached as Attachment A.

Ballot Question No. 301 is entitled, **"New Development Shall Pay Its Own Way."** The ballot title was approved by the council pursuant to Ordinance No. 8069. The initiative proposes to amend Article II of the City Charter on the powers and duties of the city council with the addition of a new section 12A entitled, "New Development Shall Pay its Own Way."

This charter amendment provides that "the City shall not approve new development that does not fully pay for or otherwise provide all the additional facilities and service required to fully offset the burdens that otherwise would have been imposed by such new development on City facilities and services." New development is generally defined as construction that results in additional floor area for a building or site. The initiative creates an exception for modifications to residential buildings that do not result in additional dwelling units or that have a *de minimis* effect on the facilities and services. It also does not affect changes of use that have a de minimis effect on facilities and services.

The Development Shall Pay its Own Way section will require that the city analyze whether growth pays its own way with respect to facilities and services. If such development does not, then the city will need to develop fees, taxes, regulatory, or growth management tools that will assist in its implementation.

IMPLEMENTATION APPROACHES

Ballot Question No. 300
Neighborhood Right to Vote on Land Use Regulation Changes

The neighborhood right to vote charter change will give neighborhood voters an opportunity to engage in a neighborhood based referendum process. The referendum process applies to a number of land use regulation changes that occur in residential neighborhoods. For the most part, the regulatory changes that are subject to this process generally have the potential to increase the intensity of a land use on a property. They include things like allowable size, height, occupancy, changes of use, parking, setbacks solar access, or zoning designations. The specific language can be found in Attachment A. The language makes reference to 66 recognized city neighborhoods. It requires the council designate the neighborhoods, requiring them to be contiguous. The referendum right will be based on the boundaries for the neighborhoods.

Tasks to be completed if the "Neighborhoods' Right to Vote on Land Use" petition is approved:

(a) Define neighborhoods:
    1. Develop a process to create neighborhood voting districts. The council might want to consider a variety of options related to the establishment of neighborhood boundaries.
    2. The city would be responsible for redrawing neighborhoods: As development occurs and neighborhoods change or limit zoning requirements, differently around the city, new neighborhoods would need to be drawn to create equitable districts.

(b) Adopt an ordinance to define the neighborhoods.

(c) Consider adoption of an ordinance setting forth the land use regulations subject to the initiative.

(d) Delay any land use code changes that affect residential zoning districts in process until neighborhoods are mapped and procedures are in place.

Ballot Question No. 301
New Development Shall Pay Its Own Way

Some components of the ballot measure are self implementing. It prohibits the city from approving building permits and changes of use for new development that do not fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on city facilities and services.

New development is defined as:

(a) Any residential or non-residential construction that results in additional floor area in a building or on a site, except for modifications to residential buildings that do not add additional dwelling units and that have a de minimis effect on the facilities and services referred to in this Section, or

(b) Any change in use of an existing building or site, except for changes of use that have a de minimis effect on the facilities and services referred to in this Section.

The ballot measure will require subsequent implementation to allow for new development. Many of those efforts are described below.

November 4, 2015.

If the measure passes on November 3, the city will stop accepting building permit applications for "new development." The city will continue to accept applications for construction activities that do not constitute new development. This will include the following types of applications:

(a) Residential building permit applications that are related to additions, alterations, remodels, repairs or basement finishes to existing dwelling units.

(b) Non-residential building permits for alterations, remodels, repairs, or tenant remodels to existing buildings.

The city also intends to continue to process development review applications such as site and use review applications.

Permits submitted on or before November 3.

The language of the charter amendment also provides that certain permits that would otherwise constitute new development will be allowed to be approved in the following circumstances:

(a) If an application for "new development" is submitted with a complete "application for a building permit, or a change of use permit, as of the date of passage of this Section, shall be exempt from the requirements of this Section, but only for the construction or change of use covered by the permit or change of use application as submitted.

(b) All building permits applications that meet the standards of the charter language for "new development" will continue to be processed and considered for approval.

(c) "Change of use permits" submitted prior to November 3 will also continue to be processed and considered for approval. As discussed below, the staff may ask the council to further define and clarify this term in an ordinance. The city does not have a "change of use permit" application. The staff interprets this section to apply to the following application types:

(i) Buildings permit applications to allow the change from one occupancy classification to another as required by Section 105.1 of the International Building Code.
(ii) Use review applications.
(iii)Rezoning applications.

Transition Provisions -- December 2015 to January 2016

The city may need to develop some interim development regulations to implement the initiative. The measure indicates that it should be implemented "to the extent allowed by federal and state law." The city will need to analyze state and federal laws to determine if there are any portions of the initiative would be inconsistent with other areas of the law.

<u>Development Review Applications.</u> In particular, the initiative does not have much implementation guidance with regard to application types that are not building permits or change of use applications. In particular, the city will need to analyze and make decisions with regard to development review applications such as concept reviews, site reviews, use reviews, subdivisions, and technical document review applications that have been previously approved or who have submitted applications prior to the adoption of the initiatives.

State and Federal Law Issues. As part of this effort, staff will research potential issues of state and federal law to determine if there are any impediments or other limitations that will prevent or limit the ability of the city to "not approve new development that does not fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on City facilities and services," as stated in the initiative's second paragraph.

Clarifications and Interpretations. As the staff moves towards implementation of the day to day applications, it anticipates that it will find areas within the proposed language that may need further clarification and interpretation. Staff will bring these issues to the council, most likely in the form of ordinances, so that the council can affirmatively legislate in these areas.

Define *de minims* impacts. The initiative does not seek to stop use change applications that have *de minimis* impacts. The city may want to propose regulations that would allow such applications to continue during the time that the city develops long term approaches to implement the initiative.

Exemptions. The initiative also permits the city council to exempt affordable housing projects and public projects from the requirements of the section if approved by six council members. The council could decide in the interim to allow these types of projects to continue forward outside of the 2016 work plan.

2016 Work Plan

The city anticipates that it will need to develop a regulatory program to implement the initiative. There are a number of components that will need to be addressed in the context of potentially indentifying additional revenue sources, whether through fees or taxes, regulatory approaches, or growth management techniques. The city has started the process of updating the capital facilities impact fee that is implemented through Chapter 8-9, "Capital Facilities Impact Fee," B.R.C. 1981. If the initiative passes, the city will need to determine if the scope of the existing work efforts include all of the facilities that are covered by the initiative. Additionally, the city will need to develop an approach to deal with services that are covered by the initiative.

It is anticipated that this will be an extensive work effort that includes further defining the services that are described by the initiative.

1. Create an inventory of facilities and services included in the petition. The city will need to create an inventory of all of the facilities and services that are "material and provided by all City departments or divisions." The ballot measure provides a general definition of "City facilities and services" to include police, fire-rescue, parks and recreation, public libraries, housing, human services, senior services, parking services, transportation, and open space and mountain parks.

2. Document and Develop Service Standards. The city will need to establish a baseline for existing facilities and services. New development will not be able to place additional

burdens on the identified facilities and services. The city will need to develop service standards for city facilities and services. Service standards for many city services or facilities can be found in the various departmental master plans. The city will need to document the present level of service at the time of the initiative passage so that it can be the documented service standard. This will need to be done in accordance with metrics in the inititiative for transportation. These standards will need to be updated on a regular interval, perhaps as part of the Comprehensive Plan and master plan updates.

3. Revenue Requirement. A revenue requirement will need to be developed for each of the services and facilities. The city should develop fiscal assumptions, methodology, and a model to determine the costs of and the revenue captured (both direct and indirect) of new growth. It is anticipated that a revenue requirement will have two components: capital and ongoing operations and maintenance.

4. New Tools. The city will need to identify facilities or services affected by the petition that will have a revenue deficiency because of new growth. It will also need to develop an implementation approach that might include taxes, fees, development regulations, adjusting service standards to be in line with available revenue but still not allowing service levels to be burdened by new growth as required by the initiative.

Legislative Standards. The city will need to develop and draft legislation to implement the initiative. The legislation will provide the basis for approving development applications that fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on city facilities and services. The city could consider options such as additional development regulations, public improvement requirements, revenue requirements, programs, and development timing tools.

The city will need to develop standards that ensure that new development fully pays for or provides the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on city facilities and services.

Attachments:

A. Ballot Question No. 300 -- Neighborhood Right to Vote on Land Use Regulation Changes - Initiative petition language

B. Ballot Question No. 301 -- New Development Shall Pay Its Own Way - Initiative petition language.

ATTACHMENT A

Ballot Question No. 300

Neighborhood Right to Vote on Land Use Regulation Changes
Initiative petition language

Section 43A. Neighborhoods' Right to Vote on Land Use Regulation Changes

The purpose of this Section is to ensure that residents of neighborhoods have a voice in changes to land use regulations that may have impacts on their quality of life, neighborhood character, or property values. Such changes may include but are not limited to those that increase the maximum allowable building heights, floor areas, or occupancy limits, and changes in allowable uses within residential neighborhoods.

For purposes of this Section, "residential neighborhood" shall mean a contiguous area reasonably demarcated by the City, including the neighborhoods commonly known by the names listed in Appendix A, as well as other neighborhoods the City may reasonably identify, and that contains at least a portion of the MH, RE, RL-l&2, RM-l,2&3, RMX-l&2, RH-l-7, or RR-l&2 zoning districts as set forth in the Boulder Revised Code as of the passage of this Section.

No proposed changes to city regulations for one or more residential neighborhoods that would do one or more of the following for part or all of any residential neighborhood:

- increase the maximum allowable size, height, or density of any residential development;
- increase the maximum allowable occupancy limits of any residential development;
- change allowable uses for any residential zoning district identified in this Section as a zoning district that is subject to this Section;
- reduce on-site parking requirements of any residential development;
- reduce required setbacks of any residential development;
- reduce solar access protection of any residential development;
- change the zoning district designations or the regulations applicable to existing residential zoning districts such that any of the aforementioned changes are enabled to occur;

shall become effective until sixty days following the approval of such change. However. if within such sixty day period, a petition meeting the requirements of Section 45 and signed by ten percent of the registered electors of a residential neighborhood affected by such change is filed with the city clerk requesting that such change be submitted to a vote of the electors of that

neighborhood, then such change shall not be effective for that neighborhood until the procedures set forth in Sections 46 and 47 have been completed. For purposes of filing such a petition, fulfilling the requirements of Sections 46 and 47, and voting in the subsequent neighborhood election, the "electors" shall be only those registered electors that use an address in that neighborhood as their residence for voter registration purposes.

Where changes to land use regulations that are subject to this Section affect multiple residential neighborhoods, there shall be a separate election for each residential neighborhood that has submitted the required petition; and the results of that election shall apply only to that neighborhood.

The City Council may combine contiguous residential neighborhoods to function as a single residential neighborhood for purposes of this Section. However, the inclusion of residential neighborhoods in such a combination shall be subject to the above referendum process carried out by any of the individual neighborhoods.

The City shall pay for the costs of any election required by this Section?

APPENDIX A

Bear Creek, Boulder Meadows, Buena Vista, Carolyn Heights, Catalpa Park, Centennial, Chautauqua, Crestview, Dakota Ridge, Devil's Thumb, East Aurora, East Central, East (Lower) Chautauqua, East Foothills, Flatirons, Foothills Community, Forest Glen, Four Mile Creek, Frasier Meadows, Goss Grove, Grandview, Grant, Gunbarrel, Hartford, Hawthorne, Heatherwood, Hillcrest/Panorama Heights, Hillside, Holiday, Iris Hollow, Juniper / Kalmia, Keewaydin, Keewaydin East, Kendall, Kings Ridge, Majestic Heights, Mapleton Hill, Mapleton Mobile Home Park, Martin Acres including Highland Park, Newlands, Noble Park, North 26th Street, North Wonderland, Northbriar, Norwood / Quince, Old North Boulder, Orchard Park, Park East, Parkside, Pinon, Poplar, Sale Lake, San Juan del Centro, Shanahan Ridge, South 45th, Steel Yards-Boulder Junction, Table Mesa North, Table Mesa South, Tantra Park, Telluride, University Heights, University Hill, Vista Village, West Pearl, Whittier, Wonderland Hills

END OF SECTION

ATTACHMENT B

Ballot Question No. 301

New Development Shall Pay Its Own Way:
Initiative petition language

To the extent allowed by Federal and state law, the City shall not approve new development that does not fully pay for or otherwise provide all the additional facilities and services required to fully offset the burdens that otherwise would have been imposed by such new development on City facilities and services.

For purposes of this Section, "new development" shall be defined as:

(a) Any residential or non-residential construction that results in additional floor area in a building or on a site, except for modifications to residential buildings that do not add additional dwelling units and that have a de minimis effect on the facilities and services referred to in this Section, or

(b) Any change in use of an existing building or site, except for changes of use that have a de minimis effect on the facilities and services referred to in this Section.

For purposes of this Section, "City facilities and services" shall be defined as all of those that are material and provided by all City departments or divisions, except the departments or divisions supplying City water, wastewater, flood control, and electric utility services, as these already have service standards, and the departments of finance and human resources (personnel), the offices of the city manager and city attorney, and the municipal court.

The City Council shall adopt and apply standards and practices that are reasonably designed to achieve the requirements of this Section and that are consistent with generally accepted professional standards and practices where such exist. These standards and practices shall include without limitation consideration of indirect revenues and contributions from new development, such as sales and use tax paid by occupants, and consideration of multiple developments evaluated in aggregate.

Standards for transportation facilities and services shall include without limitation emergency response times, daily vehicle miles traveled within the City, and travel times on the streets for which the City measured travel times as of the passage of this Section, and any additional streets that may be warranted. These travel time measurements shall be expanded to include the hour before and the hour after the morning and evening peak hours.

The City Council, by an affirmative vote of six members, may exempt the development of permanently affordable housing units, or the affordable housing portions of new developments, or publicly-owned new developments from the requirements of this Section.

New development with a complete and properly submitted application for a building permit, or a change of use permit, as of the date of passage of this Section, shall be exempt from the requirements of this Section, but only for the construction or change of use covered by the permit or change of use application as submitted.

The City Manager shall report annually at a City Council meeting all standards used and a summary of the measurements and actions taken and analyses performed to satisfy the intent of this Section?

CITY OF BOULDER
BEVERAGE LICENSING AUTHORITY
*** * * MINUTES * * ***
WEDNESDAY, AUGUST 19, 2015, 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:	August 19, 2015
NAME & PHONE OF PERSON PREPARING SUMMARY:	Michele Lamb, Licensing Administrator (303-441-3436) Kristen Huber, Licensing Specialist (303-441-3034)

NAMES OF MEMBERS, STAFF, AND INVITED GUESTS PRESENT:

Board Members: Steven Wallace, Harriet Barker, Lisa Spalding, and Matthew Califano

Staff Present: Carey Markel, Assistant City Attorney, Michele Lamb, Licensing Administrator, and Kristen Huber, Licensing Specialist

QUASI-JUDICIAL MEETING OUTLINE OF AGENDA

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1. **Member roll call; approval of BLA minutes from July 15, 2015 hearing; and hearing agenda issues from licensing clerk.**

   Roll call was taken. A quorum of four BLA members attended with Member Timken absent.

   Member Barker moved, Member Spalding seconded, to approve the July 15, 2015 minutes. Motion approved 4:0.

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

   Officer Daniel Bergh appeared on behalf of the BPD and discussed the last drink summary report included in the BLA packet. Member Spalding requested a list of compliance checks conducted by the BPD.

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

   The RHG did not attend the hearing. The RHG meeting agenda for August 5, 2015 and an example of an alcohol policy were entered as Agenda Item 3, Exhibit 1.

4. **Presentation by Camilo Casas, Coordinator of Men Standing Up, MESA's Boulder Bar Bystander Intervention Training.**

   Mr. Casas presented to the BLA regarding MESA Boulder Bar Bystander Intervention training. A brochure for MESA was entered as Agenda Item 4, Exhibit 1.

5. **Show cause hearing concerning a May 8, 2015 violation and whether the Hotel-Restaurant type liquor license held by BRE Select Hotels Opt LLC & White Lodge d/b/a Boulder Marriott, 2660 Canyon Blvd., Boulder, CO 80302, should be suspended or revoked.**

   Brian Proffitt appeared as the licensee's attorney. Dustin Kovats, Registered Manager, and Alison Lechowicz, Food and Beverage Manager, were sworn in. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest.

   Lucas Markley, Assistant City Attorney, stated that a stipulation to the facts in this matter had been reached. The stipulation was entered as Agenda Item 5, Exhibit 1. Member Spalding moved, Member Barker seconded, to accept the stipulation. Motion approved 4:0.

   Ms. Lechowicz and Mr. Kovats provided testimony regarding mitigating evidence.

   The BLA noted mitigating and aggravating factors. Member Califano moved, Member Barker seconded, to set this violation penalty at 5 suspension days served with 9 days held in abeyance. Motion approved 4:0.

   The licensee requested to serve the 5 suspension days from September 3 to September 7, 2015. Member Spalding moved, Member Califano seconded, to accept the requested 5 suspension days from September 3 to September 7, 2015. Motion approved 4:0.

6. **Public hearing for a Special Event Liquor Permit application filed on August 6, 2015 by Secret Garden Cultural Plaza Inc., a Colorado non-profit, for a Permaculture Event on Saturday September 5 and Sunday September 6, 2015; Ed Jabari, Founder/CEO, with a business mailing address of 4705 Broadway Street, Boulder, CO 80304.**

   Edward Jabari was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were not read. No BLA members disclosed ex-parte communications or conflicts of interest.

   Mr. Jabari provided testimony regarding the special event liquor permit application. A letter from Mr. Jabari was entered as Agenda Item 6, Exhibit 1.

   Member Califano moved, Member Barker seconded, to approve this special event liquor permit application with a condition that the applicant must receive zoning approval by 4:00 p.m. on Friday, September 4, 2015. Motion approved 3:1 with Member Spalding opposed.

7. **Public hearing and consideration of whether there is good cause for non-renewal of a June 8, 2015 application from Dillon Companies, Inc. d/b/a King Soopers 28, 6550 Lookout Road, Boulder, CO 80301; The Kroger Company, Owner, David Dillon, President, Paul Heldman, Vice President and Assistant Secretary, Frank Remar, Vice President and**

Treasurer, and Russell Dispense, Vice President, with a business mailing address of PO Box 305103, Nashville, TN 37230, for non-administrative renewal of a 3.2% Beer Off-Premise type liquor license.

Adam Stapen appeared as the licensee's attorney. Barb Osness, Property Manager, and Dann Kohl, Manager, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Ms. Osness and Mr. Kohl provided testimony regarding mitigating evidence. Member Barker noted that the lease expiration date on the state renewal form was incorrect.

Member Spalding moved, Member Barker seconded, to approve this application for renewal of a 3.2% Beer Off-Premise type liquor license and remove the condition of non-administrative renewal for 2016. Motion approved 4:0.

8. **Public hearing and consideration of whether there is good cause for non-renewal of a June 29, 2015 application from FM Paradise Development Co., LLC d/b/a Woody Creek Bakery & Café, 1207 Pearl Street, Boulder, CO 80302; David Mosteller, Member and Manager, and Sheila Stebbins, Registered Manager; with a business mailing address of 8231 E. Prentice Avenue, Greenwood Village, CO 80111, for a renewal of a Hotel-Restaurant type liquor license.**

   This Agenda Item was heard after Agenda Item 15.A. The licensee did not appear for the hearing. Member Califano moved, Member Spalding seconded, to continue this agenda item to the September 16, 2015 hearing. Motion approved 4:0.

9. **Public hearing and continued consideration of an April 21, 2015 application from Voss Home, LLC d/b/a Voss Art & Home, 1537 Pearl Street, Boulder, CO 80302; Gregory Voss, Owner, Manager, and Member, and Sondra Voss, Manager and Member; with a business mailing address at 1196 Hickory Way, Erie, CO 80516, for a new Art Gallery Permit type liquor license.**

   Sondra Voss, Manager and Member, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

   Ms. Voss provided testimony regarding the Art Gallery Permit application. An email from Michele Lamb was entered as Agenda Item 9, Exhibit 1. The Neighborhood Needs & Desires Petition Summary and Affidavit of Circulator were entered as Agenda Item 9, Exhibit 2.

   Member Spalding moved, Member Califano seconded, to approve this application for an Art Gallery Permit type liquor license with a condition of non-administrative renewal. Motion approved 4:0.

10. **Public hearing and consideration of a May 19, 2015 application from Zythos Restaurant Group, LLC d/b/a Zythos, 1320 College Avenue, Boulder, CO 80302; Konstantinos Korres, Owner and Registered Manager, with a premise business mailing address, for a transfer of a Hotel-Restaurant type liquor license.**

    Fern O'Brien appeared as the licensee's attorney. Konstantinos Korres, Owner and Registered Manager, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. 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. Korres provided testimony regarding the transfer application. A copy of the Zoning/Planning Confirmation Form and the Administrative Review Disposition were entered as Agenda Item 10, Exhibit 1.

    Member Califano moved, Member Barker seconded, to approve this transfer application for a Hotel-Restaurant type liquor license. Motion approved 4:0.

11. **Public hearing and consideration of a May 29, 2015 application from Apro, LLC d/b/a My Goods Market #6510, 3000 28th Street, Boulder, CO 80301; CF United, LLC, Owner and Member, Joseph Juliano, President and CEO, Kenneth Strong, COO, and Mary Baker, Manager; with a business mailing address of 17311 S. Main Street, Gardena, CA 90248, for a transfer of a 3.2% Beer Off-Premise type liquor license.**

    Adam Stapen appeared as the licensee's attorney. Keith John, Regional Manager, was sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. 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. Stapen requested that the BLA accept Administrative Notice to combine the testimony presented for this Agenda Item with Agenda Item 12.

    Mr. John provided testimony regarding the transfer application.

    Member Barker moved, Member Califano seconded, to approve this transfer application for a 3.2% Beer Off-Premise type liquor license Motion approved 4:0.

12. **Public hearing and consideration of a May 29, 2015 application from Apro, LLC d/b/a My Goods Market #6505, 3375 28th Street, Boulder, CO 80301; CF United, LLC, Owner and Member, Joseph Juliano, President and CEO, Kenneth Strong, COO, and Mary Baker, Manager; with a business mailing address of 17311 S. Main Street, Gardena, CA 90248, for a transfer of a 3.2% Beer Off-Premise type liquor license.**

    Adam Stapen appeared as the licensee's attorney. Keith John, Regional Manager, remained sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

The testimony for this Agenda Item was heard during Agenda Item 11.

Member Spalding moved, Member Barker seconded, to approve this transfer application for a 3.2% Beer Off-Premise type liquor license Motion approved 4:0.

13. Public hearing and consideration of a June 12, 2015 application from Coffee House Holdings, Inc. d/b/a Starbucks 5548, 1427 Pearl Street, Boulder, CO 80302; Starbucks Corporation, Owner and Parent Company, Clarice Turner, Director and President, Michael Malanga, Director and Senior Vice President, Sophie Hume, Secretary and Vice President, and Andrew Wolff, Treasurer and Vice President, and Taffy Nichols, Manager; with a business mailing address of Mailstop S-TAX2 License Svcs., P.O. Box 34442, Seattle, WA 98124-1442, for a new Beer and Wine type liquor license.

Brian Proffitt appeared as the licensee's attorney. Andrea Moudakis, Regional Director, and Carol Johnson, petitioner with Esquire Petitioning Services, were sworn in and confirmed the ten day premise posting under oath. Hearing procedures were waived. No BLA members disclosed ex-parte communications or conflicts of interest. No third parties requested interested party status and no public comments were received.

Ms. Moudakis provided testimony regarding the liquor license application. Ms. Johnson provided testimony regarding the neighborhood petition results.

Member Califano moved, Member Barker seconded, to approve this application for a new Beer and Wine type liquor license. Motion approved 4:0.

14. Matters from the Assistant City Attorney

No matters were discussed.

15. Matters from the Licensing Clerk

An email from Kristen Huber regarding BLA hearing exhibits was entered as Agenda Item 15, Exhibit 1.

A. <u>Neighborhood boundary settings for application for September 16, 2015 BLA hearing</u>

i) The Dairy Center for the Arts d/b/a The Dairy Center for the Arts – Permanent Modification of an Arts type liquor license at 2590 Walnut Street, Boulder, CO 80302

The following neighborhood boundaries were discussed: Mapleton Avenue on the North, Marine Street Extended on the South, 19th Street on the East, and 33rd Street on the West. Chair Wallace moved, Member Califano seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

ii) Coffee House Holdings, Inc. d/b/a Starbucks 21402 – New Beer and Wine type liquor license at 1352 College Avenue, Boulder, CO 80302

The following neighborhood boundaries were discussed: University Avenue on the North, Columbine Avenue Extended on the South, Folsom Street to Colorado Avenue to 28th Street on the East, and 6th Street on the West. Member Spalding moved, Member Califano seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

iii) Coffee House Holdings, Inc. d/b/a Starbucks 246 – New Beer and Wine type liquor license at 3033 Arapahoe Road, Boulder, CO 80303

The following neighborhood boundaries were discussed: Pearl Street on the North, Colorado Avenue on the South, 55th Street on the East, and Folsom Street on the West. Chair Wallace moved, Member Barker seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

iv) City of Boulder d/b/a City of Boulder – Boulder Public Library – New Arts type liquor license at 1001 Arapahoe Avenue, Boulder, CO 80302

The following neighborhood boundaries were discussed: Mapleton Avenue on the North, College Avenue on the South, 20th Street on the East, and 6th Street on the West. Chair Wallace moved, Member Barker seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

v) Mandala Infusion, LLC d/b/a Mandala Infusion – New Hotel-Restaurant type liquor license at 4479 N. Broadway, Boulder, CO 80304

The following neighborhood boundaries were discussed: Boulder city limits on the North, Linden Avenue Extended on the South, 28th Street to US Highway 36 on the East, and Boulder city limits on the West. Member Califano moved, Member Barker seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

vi) Conor O'Neill's of Boulder, LLC d/b/a Conor O'Neill's – Permanent Modification of a Hotel-Restaurant type liquor license at 1922 13th Street, Boulder, CO 80302

The following neighborhood boundaries were discussed: Maxwell Avenue Extended on the North, Marine Street Extended on the South, 17th Street

on the East, and 4th Street on the West. Chair Wallace moved, Spalding seconded, to set the neighborhood boundaries for this application as described above. Motion approved 4:0.

B. <u>Informational items</u>

i) August Special Events and Temporary Modifications

This material was stated to be in the hearing packet.

ii) August Liquor License renewal mailing list

This material was stated to be in the hearing packet.

iii) Corrected Stipulation and Agreement from July 15th BLA hearing for Vishnu, Inc. d/b/a Taj Indian Cuisine

This material was stated to be in the hearing packet.

iv) Inspection Report from state Liquor Enforcement Division for Malo LLC d/b/a B Town

This material was stated to be in the hearing packet.

v) Stipulation, Agreement, and Order from state Liquor Enforcement Division for Pei Wei Asian Diner, Inc. d/b/a Pei Wei Asian Diner

This material was stated to be in the hearing packet.

vi) Letter from state Liquor Enforcement Division to Royal Clay Oven, Inc. d/b/a Royal Clay Oven regarding an inspection

This material was stated to be in the hearing packet.

vii) Email from Kelly Haralson, Investigator with the state Liquor Enforcement Division, regarding liquor license laws for records maintenance

This material was stated to be in the hearing packet.

viii) Email from Brian Proffitt, Attorney, regarding electronic books and records

This material was stated to be in the hearing packet.

ix) Flyer for "Standards for Sellers and Servers of Alcohol Beverages" training class on September 17, 2015

This material was stated to be in the hearing packet. Ms. Lamb noted that 75 people had signed up for the training class.

x) Proposed non-substantive changes to City of Boulder BLA Penalty Schedule

This material was stated to be in the hearing packet. Chair Wallace and Member Barker provided feedback regarding the penalty schedule chart.

16. Matters from the Chair and Members of the Authority

Member Barker discussed the requirement for physical books and records to be kept onsite.

ADJOURNMENT

Member Barker moved, Member Califano seconded, to adjourn the meeting. Motion approved 4:0, thus the hearing was adjourned at 6:04 p.m.

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

3rd Wednesday of every Month at 3PM in City Council Chambers for 2015.

Attested: Approved:

Mishawn J. Cook, BLA Secretary Chair of Beverage Licensing Authority

City of Boulder
BOARDS AND COMMISSIONS MEETING SUMMARY FORM

NAME OF BOARD/COMMISSION: Human Relations Commission

DATE OF MEETING: Sept. 21, 2015

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Robin Pennington 303-441-1912

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:
Commissioners – Shirly White, Nikhil Mankekar, Emilia Pollauf, José Beteta
Staff – Carmen Atilano, Robin Pennington, Luis Ponce
Commissioners absent – Amy Zuckerman

WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]

AGENDA ITEM 1 – CALL TO ORDER – The Sept. 21, 2015 HRC meeting was called to order at 6 p.m. by **S. White.**

AGENDA ITEM 2 – AGENDA ADJUSTMENTS – None

AGENDA ITEM 3 – APPROVAL OF MINUTES
A. **E. Pollauf moved** to approve the Aug. 17, 2015 minutes with one edit. **N. Mankekar seconded. Motion carries 3-0.**

AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items) – None

AGENDA ITEM 5 – ACTION ITEMS
A. 2016 Martin Luther King Day Celebration **– E. Pollauf moved** to approve funding for the five applications as recommended by the subcommittee and YOAB. **N. Mankekar seconded.** Funding was approved in the amount of $2,793.

AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS
A. Celebration of Immigrant Heritage – A press release will be published promoting Celebration of Immigrant Heritage week.
B. Update on the Boulder Civic Area Park Site Plan – Commissioners will email questions to C. Atilano, and requested that a representative attend the Oct. 19 HRC meeting.
C. Boulder Valley Comprehensive Plan – Update on Foundational Work, Community Kick Off, Focused Topics for the 2015 Update, and Next Steps – Commissioners will email questions to C. Atilano.
D. Inclusive and Welcoming Community Work Plan – Commissioners and staff discussed the timeline for the Community Perception Assessment consultant selection and next steps.
E. Living Wage Update – C. Atilano gave an update on work of the city staff committee on Living Wage. **S. White** noted that the topic would be discussed at a League of Women Voters meeting Oct. 14.
F. Event Reports –**N. Mankekar** attended Pridefest on Sept. 13, Boulder Valley Comprehensive Plan Subcommittee and the Housing Boulder Process Subcommittee meetings, and a Spanish-language outreach event hosted by the Boulder Police Dept. Several commissioners will attend the League of Women Voters breakfast meeting on the topic of Living Wage.
G. Retreat – The HRC will plan a retreat for the spring of 2016.

AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS – None.

AGENDA ITEM 8 – Adjournment – **N. Mankekar moved** to adjourn the Sept. 21, 2015 meeting. **E. Pollauf seconded**. **Motion carries 5-0.** The meeting was adjourned at 6:58 p.m.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS: The next regular meeting of the HRC will be Oct. 19, 2015 in City Council Chambers, Municipal Building, 1777 Broadway.

Benji Durden Appreciation Day
September 26, 2015

WHEREAS, Benji Durden was one of the top road racers in America during the *Golden Era* of the Running Boom and made the 1980 U.S. Olympic team in the marathon; and

WHEREAS, Benji Durden has been an integral part of the local and Colorado running scene since moving here in 1985, from the prep level on up, through three decades of timing races with his wife, Amie; and

WHEREAS, Benji Durden has more than 100 victories during a long career and ran a marathon personal best time of 2 hours, 9 minutes, 57 seconds in finishing second at the 1983 Boston Marathon; and

WHEREAS, Benji Durden helped paved the way for professionalism in running by courageously going against the national governing board and accepting prize money at the 1981 Cascade Run-Off; and

WHEREAS, Benji Durden was one of the founding members of the Association of Road Racing Athletes and its original treasurer; and,

WHEREAS, Benji Durden is an inspiration to many for life-long commitment to health and exercise, including finishing 114 marathons, surviving cancer, and being a long-time member of the Boulder Road Runners.

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 26 is declared

Benji Durden Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Dale Stetina Appreciation Day
September 26, 2015

WHEREAS, Dale Stetina is a two-time Olympic cyclist who was won more than 200 races in a long international career; and

WHEREAS, Dale Stetina won the Red Zinger Classic and the Coors Classic, inspiring others to take up cycling; and

WHEREAS, Dale Stetina was a U.S. National Road Cycling Champion and won the Mt. Washington Bicycle Grand Prix, as well as the Tour de Costa Rica; and

WHEREAS, Dale Stetina and his wife, Anne, have lived in Boulder since 1982 and raised their family here, including cycling son Peter; and daughters Claire and Kate; and

WHEREAS, Dale Stetina has shown remarkable determination, perseverance and fortitude in recovering from a traumatic brain injury; and

WHEREAS, Dale Stetina will always be an integral part of Boulder's colorful early cycling history;

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 26 is declared

Dale Stetina Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

Lynn Hill Appreciation Day
September 26, 2015

WHEREAS, Lynn Hill is a pioneering climber who opened doors for female climbers to come; and

WHEREAS, Lynn Hill did the first ascent of the Nose of El Capitan in Yosemite National Park, among many other notable first ascents and climbs; and

WHEREAS, Lynn Hill is considered not only the best female climber of all time but one of the top female athletes, in any sport, all time; and

WHEREAS, Lynn Hill is a long-time Boulder resident, raising her son, Owen, here and making significant contributions to the local, national and international climbing communities; and

WHEREAS, Lynn Hill, through talks, clinics and presence at events has inspired climbers in Boulder and around the nation, helping make the Boulder area one of the world centers for climbing.

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 26 is declared

Lynn Hill Appreciation Day

Matthew Appelbaum

Matthew Appelbaum, Mayor

PAC-12 CONFERENCE CENTENNIAL DAY
DECEMBER 2, 2015

WHEREAS, The Pac-12 Conference was founded in 1915 as four universities sought to unite the West through academic and athletic excellence; and

WHEREAS, The academic and athletic prestige of the Pac-12 was forged through a century of passion and perseverance as the Conference grew to include some of the best universities in the world while simultaneously bringing athletic pride to the region; and

WHEREAS, University of Colorado joined the Conference in 2011 and has been an excellent addition to a Conference founded on a commitment to greatness on and off the field of play; and

WHEREAS, The Conference will remain on the forefront of excellence as it continues to drive meaningful change by modernizing the student-athlete experience and promoting diversity, progress, and innovation; and

WHEREAS, The Pac-12 and all it stands for – educating young people, uniting communities, and championing innovation – should be celebrated by all.

NOW, THEREFORE, BE IT DECLARED by the City Council of the City of Boulder, Colorado, that the City of Boulder declare December 2, 2015 as

PAC-12 Conference Centennial Day

Matthew Appelbaum, Mayor

Tim DeBoom Appreciation Day
September 26, 2015

WHEREAS, Tim DeBoom moved to Boulder in 1993 after winning the overall gold medal at the Triathlon Amateur National and World Championships and has lived and trained here since; and

WHEREAS, Tim DeBoom logged thousands of miles on local roads, trails and pools in becoming one of the best Ironman triathletes ever; and

WHEREAS, Tim DeBoom won the 2001 Ironman Triathlon World Championship in Kona, Hawaii, on October 6, 2001, a victory coming less than a month after the 9/11 attacks, and which sparked a sense of hope, optimism and renewal around a nation inspired by his flag-waving final run to the finish; and

WHEREAS, Tim DeBoom repeated as Ironman World Triathlon Champion in 2002, helping attract other elite triathletes to train and live in Boulder; and

WHEREAS, Tim DeBoom, along with his triathlete wife, Nicole, founder of Skirt Sports, have contributed in many ways to Boulder County becoming a national and world center of endurance sports; and

WHEREAS, Tim and Nicole DeBoom continue to contribute to the local athletic community, helping to foster Boulder's triathlon legacy;

NOW, THEREFORE, BE IT DECLARED by the City Council of the city of Boulder, Colorado, that September 26 is declared

Tim DeBoom Appreciation Day

Matthew Appelbaum

Matthew Appelbaum. Mayor