

CITY OF BOULDER
CITY COUNCIL MEETING
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, October 4, 2016
6 p.m.

AGENDA

1. CALL TO ORDER AND ROLL CALL

6-6:10 pm

- A. Boulder County Clerk and Recorder, Hillary Hall to present changes in Colorado Elections**

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE (limited to 45 min.)

6:10-6:55 pm

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.

6:55-7:10 pm

- A. Consideration of a motion to approve the August 2, 2016 City Council Meeting Minutes**
- B. Consideration of a motion to accept the August 23, 2016 Study Session Summary on the Marijuana Advisory Panel Report**
- C. Consideration of a motion to accept the August 30, 2016 Study Session Summary regarding Update on Homelessness Issues, Strategy and Action Plan**
- D. Consideration of a motion to accept the September 13, 2016 Study Session Summary on the 2017 Recommended Budget**
- E. Consideration of a motion to approve a twenty-year lease extension between the City of Boulder and the Boulder Day Nursery Association (BDNA) at Lots 4, 5 and 6 of Block 93 (SW Corner of 15th and Spruce)**
- F. Third reading and consideration of motion to adopt Ordinance 8124 amending Section 9-6-5(d) "Mobile Food Vehicle Sales," and Section 9-16-1(c) "Definitions," B.R.C. 1981 to redefine "Mobile Food Vehicle" to include bicycle mobile food vehicles; amending Section 7-6-28, "Bicycle Parking," B.R.C. 1981; and setting forth related details**
- G. Introduction, first reading and consideration of a motion to order published by title only Ordinance 8148 designating the building and a portion of the property at 2935 19th Street to be known as the Tyler-Monroe-Bartlett Property, as an individual landmark under the city's Historic Preservation**

3rd Rdg
Ord 8124

1st Rdg
Ord 8148

Ordinance; Owner/Applicant: Albert A. and Eleanor Frances Roberts Bartlett Trust

4. POTENTIAL CALL-UP CHECK IN

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8A. No Action will be taken by Council at this time.

8A. Potential Call-Ups

- 1. 2685 Pearl Street-Vacation of a Public Utility Easement**

ORDER OF BUSINESS

5. PUBLIC HEARINGS

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

7:10-7:55 pm

A. Consideration of the following items relating to the 2017 Budget;

- 1. Public Hearing** on the proposed **2017 City of Boulder Budget;** and
- 2. Introduction, first reading,** and consideration of a motion to order published by title only **Ordinance 8144 that adopts a budget for the City of Boulder, Colorado,** for the fiscal year **commencing on the first day of January 2017 and ending on the last day of December 2017,** and setting forth details in relation thereto; and
- 3. Introduction, first reading,** and consideration of a motion to order published by title only **Ordinance 8145 that establishes the 2016 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 2017 **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 8146 that appropriates money to defray expenses and liabilities of the City of Boulder,** Colorado, for the **2017 fiscal year of the City of Boulder,** commencing on the **first day of January 2017, and ending on the last day of December 2017,** and setting forth details in relation thereto; and
- 5. Introduction, first reading,** and consideration of a motion to order published by title only **Ordinance 8147 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

1st Rdg Ord 8144

1st Rdg Ord 8145

1st Rdg Ord 8146

1st Rdg Ord 8147

7:55-10:55 pm

- B. Second reading** and consideration of a motion to **amend Ordinance 8119 regarding cooperative housing intended to expand the availability of cooperative housing units** by amending Title 4, “Licenses and Permits by adding a new section 4-20-69, “**Cooperative Housing License Fee,**” amending Title 9, “**Land Use Code,**” by amending table 9-6-1 **to make cooperative housing an allowed use in certain zone districts,** by amending section 9-6-3, **eliminating the**

requirement of a special use permit for cooperative housing, amending title 10 “Structures,” by adding a new chapter 11 “Cooperative Housing,” establishing requirements for **licensing housing cooperatives** and setting forth related details

10:55-11:55 pm
2nd Rdg Ord
8139

- C. **Second reading** and consideration of a motion to **amend Ordinance 8139** related to the **annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe; and**

2nd Rdg Ord
8140

Second reading and consideration of a motion to **amend Ordinance 8140** related to an amendment to Subsection 11-5-11(a). B.R.C. 1981 regarding **stormwater and flood control utility plant investment fees**

6. MATTERS FROM THE CITY MANAGER

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-ups

1. 2685 Pearl Street-Vacation of a Public Utility Easement

11:55-12:05 am

9. PUBLIC COMMENT ON MATTERS

Public comment on any motions made under Matters

12:05-12:10

10. DECISION ON MOTIONS

Action on motions made under Matters

12:10-12:15 am

11. DEBRIEF

Opportunity for Council to discuss how the meeting was conducted

12. ADJOURNMENT

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Boulder 8 TV (Comcast channels 8 and 880) is now providing Closed Captioning for all live meetings that are aired on the channels. The closed captioning service operates in the same manner as similar services offered by broadcast channels, allowing viewers to turn the closed captioning on or off with the television remote control. Closed captioning also is available on the live HD stream on BoulderChannel8.com. In order to activate the captioning service for the live stream, the "CC" button (which is located at the bottom of the video player) will be illuminated and available whenever the channel is providing captioning services.

Anyone requiring special packet preparation such as Braille, large print, or tape recorded versions may contact the City Clerk’s Office at 303-441-4222, 8 a.m. – 5 p.m. Monday through Friday. The Council Chambers is equipped with a T-Coil assisted listening loop

and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay Colorado 711 (711) or 1-(800)-659-3656. Please request special packet preparation no later than 48 hours prior to the meeting.

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.

Send electronic presentations to email address: CityClerkStaff@bouldercolorado.gov no later than 2 p.m. the day of the meeting.

CITY COUNCIL PROCEEDINGS
MUNICIPAL BUILDING, 1777 BROADWAY
Boulder, Colorado 80302
Tuesday, August 2, 2016

1. CALL TO ORDER AND ROLL CALL

Mayor Jones called the meeting to Order at 6:03 p.m.

Roll was taken and the following were present: Mayor Jones, Council Members Appelbaum, Brockett, Burton, Morzel, Shoemaker, Weaver, Yates and Young.

Council Member Yates moved to amend the agenda reordering Items 5A1-5A4 and adding Item 6A and Item 8C. Council Member Burton seconded the motion. The motion passed 9:0 at 6:05 p.m.

- A. Declaration in support of Boulder Members of the 2016 United States Olympic Team
Mayor Jones read the declaration and presented it to Michael Sandrock.
- B. Special presentation by Professor Frederick regarding the 2015 Comprehensive Annual Financial Report and Independent Auditor's Reports (CAFR)

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE

(Please note that public comments are a summary of actual testimony. Full testimony is available on the web at: <https://www.bouldercolorado.gov>).

Open Comment was opened at 6:30 p.m. and the following spoke:

- 1. Paula Stephani spoke in support of the relocation of prairie dogs to city owned property.
- 2. Seley DeYarus spoke in support of relocating the prairie dogs.
- 3. Francesca Howell spoke in support of relocating the prairie dogs.
- 4. Rob Smoke spoke regarding police and social issues including homelessness.,
- 5. Emma Ruffin spoke against fracking.
- 6. David Hughes spoke against fracking.
- 7. Kimmerjae Johnson spoke regarding the Red Zinger Coors Bicycle Classic.
- 8. Baird McKeivitt, President of the Board of Directors of Attention Homes, spoke about 1440 Pine and affordable housing.
- 9. Jon Driver spoke in opposition to 1440 Pine project and referred to the handout given to Council at the meeting.
- 10. Patrick Murphy gave a slide show presentation in opposition to municipalization.
- 11. Genna Brocone spoke in support of preserving and relocating the prairie dogs.
- 12. Jon Kottke spoke in support of 1440 Pine and does not want to call it up.
- 13. Claire Clurman pooled with Danny White and Jacob Sorum and spoke in support of the housing project and 1440 Pine.
- 14. Tom Manzione, a mental health professional serving adolescence and young adults, pooled with Jaclyn Manzione and Charlotte Thompson and spoke regarding the homeless youth population demographics living in Boulder.

15. Sam Alschuler spoke regarding water bills in the mobile home parks and rent increase in the Orchard Grove Mobile Park.
 16. David Dadone spoke in support of the Boulder Olympians.
 17. Paul Culnan spoke in support of reducing carbon emissions.
 18. Mike Lewis spoke regarding Attention Homes and supported helping homeless youth find resources.
 19. Shannon Cox Baker pooled with Jennifer Strukel and Jamison Brown and spoke regarding Attention Homes and requested to not call up the 1440 Pine project.
 20. Chris Nelson pooled with Brittney Wilson and Megan Bruce and spoke regarding Attention Homes and homeless youth and the 1440 Pine project.
 21. Leslie Glustrom spoke regarding renewable energy and controllable costs.
 22. Ann Moss spoke in support of additional funding for the arts program.
 23. Deanna Meyer spoke regarding the City Manager and relocating the prairie dogs.
 24. Ryan Jones spoke regarding Attention Homes project.
 25. Barry Baer spoke regarding the mailing and notice of annexation and would like to have more neighborhood participation.
 26. Ken Fowler spoke regarding Attention Homes in was in support of helping youth homelessness and affordable living.
 27. Carole Driver spoke regarding the Attention Homes project, and was in opposition to the huge building at 1440 Pine.
 28. Alex Mault spoke about the Community Broadband Initiative and asked council for more information.
 29. Susan Somers spoke in support of the relocation of the prairie dogs.
- With no further speakers, Open Comment was closed at 7:47 p.m.

3. CONSENT AGENDA

- A. Consideration of a motion to approve the June 21, 2016 Regular Meeting Minutes
- B. Consideration of a motion to accept the June 14, 2016 Study Session Summary on the Mid-Year Work Plan Update
- C. Consideration of a motion to approve the City Manager's signature, Jane Brautigam, on an Interlocal Agreement for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award
- D. Consideration of a motion to approve the 2016 Agreement Between Boulder Valley School District and the City of Boulder for Use of Recreation Fields and Facilities and authorize the City Manager to make minor amendments prior to or during the term of this agreement in order to ensure operations in a manner that are consistent with applicable laws and the policies and regulations of the City of Boulder
- E. Consideration of a motion to adopt Resolution No. 1187 appointing the firm of CliftonLarsonAllen to examine the financial accounts of the City of Boulder for the year ended December 31, 2016

- F. Consideration of a motion to adopt Resolution No. 1188 accepting the City of Boulder’s 2015 Comprehensive Annual Financial Report and Independent Auditor’s Report (CAFR)
- G. Consideration of a motion to accept the recommendation of the City Manager and City Attorney to use an administrative process informed by Council direction to resolve claims arising from water main breaks or in the alternative, second reading and consideration of a motion to adopt Ordinance No. 8116 amending Chapter 11-1, “Water Utility,” by adding a new Subsection to Section 11-1-44, “Water User Charges,” amending the title of the section, authorizing the city manager to pay claims for damage from water main breaks and setting forth related details

The administrative process was approved, but the ordinance was not adopted.

- H. Second reading and consideration of a motion to adopt Ordinance No. 8122 amending section 12-2-4, “Written Disclosures Required,” B.R.C. 1981 to update the required disclosure by landlords, and setting forth related details
- I. Introduction, first reading and consideration of a motion to order published by title only Ordinance Nos. 8128 and 8129 related to the annexation and initial zoning of the city-owned parcels, and rights of way; and Elmer’s Two-Mile Park as an enclave

Council Member Brockett moved to approve the Consent Agenda Items 3A-3I, with the notation that the administrative process was approved in Item 3G. Council Member Weaver seconded the motion. The motion carried 9:0 at 8:05 p.m.

4. POTENTIAL CALL-UP CHECK IN

Opportunity for Council to indicate possible interest in the call-up of an item listed under 8A. No Action will be taken by Council at this time.

8A. Potential Call-Ups

- 1. 1440 Pine- Concept Plan Council asked questions of staff but did not call-up the property.

ORDER OF BUSINESS

5. PUBLIC HEARINGS

A. Consideration of Ballot Items:

- 1. Certification to Council of sufficient valid signatures on a petition to place on the ballot a question of limiting the terms of Council Members

Senior Assistant City Attorney Kathy Haddock introduced this item to Council.

The public hearing was opened at 8:54 and with no speakers, the public hearing was closed at 8:54 pm.

Council Member Weaver moved to place on the ballot a question of limiting the terms of Council Members. Council Member Burton seconded the motion. The motion passed 9:0 at 8:54 p.m.

2. Introduction, first reading and consideration of a motion to order published by title only two alternative versions of Ordinances, numbered 8130 and 8131, submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of authorizing the City Council to impose an excise tax of 2 cents per ounce on the distribution of drinks with added sugar, and sweeteners used to produce such drinks, one alternative would, if the measure passes, add a new chapter 3-16, "Sugar-Sweetened Beverage Product Distribution Tax," B.R.C. 1981, a second alternative would place both the question of imposing the tax and the entire regulatory scheme on the ballot and setting forth related details

Senior Assistant City Attorney Kathy Haddock introduced this item to Council.

The public hearing was opened at 9:21 p.m. and the following spoke:

1. Carolyn Tabak spoke in support of the tax measure.
2. Lynn Gilbert spoke in support of the tax measure.
3. Jose Beteta spoke in support of the tax measure.
4. Allison Smith spoke in support of the tax measure.
5. Manuela Sifuentes spoke in support of the tax measure.
6. Martha Tierney pooled with Claire Ochsner and Sara Soka and spoke in support of the tax and offered an explanation of Option C.
7. Jorge De Santiago spoke in support of the initiative.
8. Dominique Olvera spoke in support of making a decision tonight and asked that council choose Option C.
9. Eric Harker spoke in support of the tax of sugary drinks and urged Council to Option C.
10. Rachel Arndt spoke in support of the measure.
11. Allyn Harker spoke in support of the measure.
12. Hillary Jorgensen spoke in support of Option C.
13. Susan Motika pooled with Dante Velez and Summer Laws and spoke in support of the measure.

With no further speakers the public hearing was closed at 9:44 p.m.

Council Member Young moved to approve Ordinance 8130 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of authorizing the City Council to impose an excise tax of 2 cents per ounce on the distribution of drinks with added sugar, and sweeteners used to produce such drinks, one alternative would, if the measure passes, add a new chapter 3-16, "Sugar-Sweetened Beverage Product Distribution Tax," B.R.C. 1981, a second alternative would place both the question of imposing the tax and the entire regulatory scheme on the ballot and setting forth related details. Council Member

Weaver seconded the motion. Council Member Appelbaum added a friendly amendment correcting a small “typo” in the ordinance. The friendly amendment was accepted by Council Member Young. The motion passed 8:0 with Council Member Morzel absent at 10:08 p.m.

Council Member Weaver moved to reorder the agenda and address Item 5B due to the interest of the public. Council Member Yates seconded the motion. The motion passed 8:0 with Council Member Morzel absent at 10:11 p.m.

5B. Consideration of a motion to adopt Resolution No. 1190 in support of Indigenous Peoples’ Day

Human Relations Commission Member Nikhil Mankekar introduced the item to Council. Geraline Dakoto spoke about the native inhabitants regarding this resolution.

The public hearing was opened at 10:29 p.m.

1. Margaret Coel, author of Chief Lefthand, spoke in support of the resolution.
2. Representative Joe Salazar from House District 51 spoke in support of the resolution.
3. Ernest House Jr. spoke in support of the resolution.
4. Tom Thomas spoke in support of the resolution.
5. Patrita “Ime” Salazar spoke in support of the resolution.
6. Ava Hamilton spoke in support of the resolution.
7. David Young, from the Apache tribe spoke in support of the resolution.

With no further speakers, the public hearing was closed at 10:54 p.m.

Council Member Young moved to approve Resolution 1190 in support of Indigenous Peoples’ Day with Attachment B and with the following changes to Paragraph 5 and 6 correcting the language to say the “Second Monday of each October,” Sec 5 of Attachment D.

Council Member Yates moved to make a friendly amendment. Council Member Weaver seconded the motion and the friendly amendment. The motion passed 9:0 at 11:04 p.m.

Council Member Weaver moved to suspend the rules and continue the meeting. Council Member Morzel seconded the motion. The motion passed 8:1 with Council Member Shoemaker opposed at 11:04 p.m.

5A3. Introduction, first reading and consideration of a motion to order published by title only two ordinances submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of amending Section 7 of the Boulder Home Rule Charter, relating to council compensation, by:

Ordinance No. 8132, Adding an option for council members to receive benefits on the same terms and conditions as city employees, and setting forth related details; and

Ordinance No. 8134, Increasing annual council member compensation by \$10,000 and adding an option for council members to receive benefits on the same terms and conditions as city employees, and setting forth related details

Deputy City Attorney David Gehr introduced the item to Council.

The public hearing was opened at 11:12 p.m. and with no speakers the public hearing was closed at 11:12 p.m.

Mayor Jones moved to approve Ordinance No. 8132 submitting to the registered electors of the City of Boulder at the special municipal coordinated election to be held on Tuesday, November 8, 2016, the question of amending Section 7 of the Boulder Home Rule Charter, relating to council compensation, by: Adding an option for council members to receive benefits on the same terms and conditions as city employees, and setting forth related details. Council Member Burton seconded the motion. Council Member Yates made a friendly amendment that the ordinance become effective January 2020. The friendly motion was accepted. The motion passed 8:1 with Council Member Morzel opposed at 11:27 p.m.

- 5A4.** Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8133 setting the ballot title for an amendment to Section 128A of the Boulder Charter regarding the blue line, and setting forth related details

Deputy City Attorney David Gehr introduced this item to council.

The public hearing was opened at 11:59 p.m. and the following spoke:

1. Brian Goodheim spoke thanking staff for the help of water provision during the flood of 2013 and was in support of the measure.
 2. Rochelle Woods spoke regarding the threat of fire since she is on a cistern.
- With no further public comment the public hearing was closed at 12:05 a.m.

Council Member Appelbaum moved to amend Ordinance No. 8133 setting the ballot title for an amendment to Section 128A of the Boulder Charter regarding the blue line, and setting forth related details and come back to council to adopt on emergency. Council Member Morzel seconded the motion. The motion passed 9:0 at 12:07 a.m.

- C.** Consideration of a motion to adopt Resolution No. 1189 setting forth findings of facts and conclusions, on (1) whether annexation of approximately 1.37 acres of land generally located at 96 Arapahoe Avenue would meet the applicable annexation provision of section 30 of article II of the state constitution and

sections 31-12-104 and 21-12-105, C.R.S., and (2) whether or not additional terms and conditions are to be imposed were said property to be annexed

Council Member Weaver moved to continue the hearing of the motion to adopt Resolution No. 1189 setting forth findings of facts and conclusions, on (1) whether annexation of approximately 1.37 acres of land generally located at 96 Arapahoe Avenue would meet the applicable annexation provision of section 30 of article II of the state constitution and sections 31-12-104 and 21-12-105, C.R.S., and (2) whether or not additional terms and conditions are to be imposed were said property to be annexed to a future meeting to be determined. Council Member Morzel seconded the motion. The motion passed 9:0 at 12:07 a.m.

6. MATTERS FROM THE CITY MANAGER

A. Community Survey Questions

The City Manager reminded Council to read the Action Information Packet (IP) and asked Council Members to send their comments or concerns to staff before the deadline.

7. MATTERS FROM THE CITY ATTORNEY

8. MATTERS FROM MAYOR AND MEMBERS OF COUNCIL

A. Potential Call-Ups

1. 1440 Pine- Concept Plan

B. Discussion of Single Subject Study Sessions

This item was continued to the August 16, 2016 Meeting.

C. Endorsement of Council Member Matt Appelbaum for reappointment to the National League of Cities Board of Directors

Council gave their support.

9. PUBLIC COMMENT ON MATTERS

10. DECISION ON MOTIONS

11. DEBRIEF

12. ADJOURNMENT

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on August 3, 2016 at 12:33 a.m.

Approved this 4th day of October, 2016.

APPROVED BY:

Suzanne Jones, Mayor

ATTEST:

Lynnette Beck, City Clerk



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 4, 2016

AGENDA TITLE: Consideration of a motion to accept the August 23, 2016 Study Session Summary on the Marijuana Advisory Panel Report.

PRESENTERS:

City Staff:

Jane S. Brautigam, City Manager
Thomas Carr, City Attorney
Sandra M. Llanes, Senior Assistant City Attorney
Kathy Haddock, Senior Assistant City Attorney
Mishawn Cook, License Administrator
Beverley Bookout, Boulder Police Officer – Marijuana Enforcement

Facilitator:

Heather Bergman, Peak Facilitation Group

Panel Members:

Andrea Meneghel, Boulder Chamber of Commerce
Heath Harmon, Boulder County Public Health
Kate Thomson, Skinny Pineapple, Inc.

EXECUTIVE SUMMARY

This agenda item provides a summary of the August 23, 2016 study session on the Marijuana Advisory Panel's report. (**Attachment A**)

At the direction of Boulder's City Council, a 12-member Marijuana Advisory Panel (MAP) was formed in January 2016 to take a comprehensive review of the existing city code related to marijuana regulation, and to make recommendations related to any potential changes to topics related to advertising, public health impacts, licensing, zoning, and more. Council approved a Charter that provided the MAP with direction to analyze both State regulations and Boulder's code in order to understand regulatory intent and impact, to solicit public input, and to discuss possible changes to the code – all while preserving and promoting Boulder's unique community values.

Council was asked to consider the following questions:

1. Do you agree with the MAP's recommendations? If so, which MAP recommendations should staff draft an ordinance to implement?
2. Does council support the MAP's recommendation regarding future Panel work? If not, how does council wish to handle any future issues that may arise?
3. Are there any questions you would like answered by the MAP or staff regarding the materials presented today in connection with any future draft ordinance?

The MAP provided information on:

- the Panel's meeting process;
- key code change recommendations; and
- recommendations related to future work;

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 August 23, 2016 Study Session Summary on the Marijuana Advisory Panel report.

Attachment A – Study Session Summary, Marijuana Advisory Panel Report, August 23, 2016

**Study Session Summary
Marijuana Advisory Panel Report
August 23, 2016**

PRESENT

City Council: Aaron Brockett, Jan Burton, Suzanne Jones, Andrew Shoemaker, Sam Weaver, Bob Yates and Mary Young

Staff Members: Jane S. Brautigam, City Manager; Sandra M. Llanes, Senior Assistant City Attorney; Kathleen E. Haddock, Senior Assistant City Attorney; Mishawn Cook, License Administrator; Beverley Bookout, Boulder Police Officer – Marijuana Enforcement Division; LaDonna Eubanks, Building Inspector II; Jon Bergelin, Building Code Compliance Specialist; Matt Zavala, Fire Fighter

Presenting Panel Members: Andrea Meneghel, Boulder Chamber of Commerce; Heath Harmon, Boulder County Public Health; Kate Thomson, Skinny Pineapple, Inc. The remainder of the Panel were present in the audience and available for questions.

OVERVIEW OF THE PRESENTATION

Staff and Panel members provided background on (1) the Panel’s meeting process; (2) key code recommendations; and (3) recommendations related to future Panel work.

Council Discussion Summary:

- Impressed with the Panel and staff’s level of collaboration and ability to find consensus.
- Clearly define when booths or sponsorships are allowed, such as by providing a list of specific situations.
- Consider how sponsorships/booths/events relate to how liquor and beer vendors can have events in the Civic area.
- Need to address a 20% limit of selling non-marijuana merchandise, like with liquor stores.
- Complete an analysis with Planning staff of zoning and density requirements to identify reasonable thresholds for marijuana businesses.
- Provide thoughts of what would be reasonable thresholds for density and size thresholds.
- Give City Council a chance to implement these changes before the Group has to meet again.
- Clearly explain what the rules are currently and then how the new change will differ.
- Clearly indicate when a change is aligning with the State code.
- Support all of the Panel’s recommendations related to changes to the code as indicated on the attached MAP Recommendations Chart (**Exhibit 1**) with the exception of any changes to Title 9 related to land use and zoning.
- With respect to code changes that affect Title 9, council expressed a need to do a deeper dive by including planning staff and obtaining more analysis into any land use/zoning

issues – including and not limited to changes on square feet limits– reasonable threshold right use categories; other categories. This work will take a longer time scale.

- Generally in favor of pursuing the recommendations of panel but do need to do a deeper dive into some of these issues – as we have heard from staff and panel some of the zoning issues are complicated and not fully dealt with yet – the changes on the square foot limits need to look into an analysis of what would be a reasonable new threshold – what kind of zoning category should we change; is personal uses the right use category – should we look at other categories & have that feed into the limit on the size of cultivation facilities – take a deeper dive with the planning staff and then move forward with this – on a longer time scale then some of these other things that we could implement as changes to the marijuana ordinance on a shorter time scale. Density – more analysis is needed – what kinds of zones does our city allow for cultivation and MIPs; how many square miles there are – need additional time as well.
- Separation needs further analysis and auditing issues need to be improved upon.
- Future of the MAP – there seems to be a whole lot of good will out of the meeting of this group. At the very least they meet again and do a little deeper dive on the land use issues; would be amenable to have this group meet again once or twice in the next year and then say that’s good enough.
- Tends to agree with that – beyond much longer than a year things start to kind of shift in people’s lives – in a year we could still benefit from the feedback – to Suzanne’s point the regulations are coming to a stable point.
- Tend to agree as you wrap things up it can take a meeting or two (takes a few months) – agrees with Jane should bring to a close and not as a standing commission – discusses term limits –welcomes a wrap up – whether a meeting or two more and be done with it.
- Agrees with Jane not to create another advisory board – thinks there is value as stated in doing follow up – have a follow up meeting relatively soon, then give it one year where we have a chance to implement these regulations and changes that are going to come out from this and one more round of state changes to come next year then get back together again and see how things are going, do any follow up comments, a recommendation or two and then dissolve.

Next Steps - Staff will:

- Organize a follow up meeting with the Panel to review and discuss draft code language based on the Panel’s Recommendations;
- Schedule a time for an ordinance to be considered by council;
- Discuss and evaluate next steps related to recommendations that implicate changes to Title 9 Land Use/Zoning and Density Restrictions; and
- Schedule next and last MAP meeting.

Exhibit 1 – MAP Recommendation Chart

1	A	B	C	D	E	F	G
		Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
2		General Advertising	<p>Limited ability for marijuana businesses to market their brand/logo for advertising purposes. Businesses want to be able to "brand" their name and logo through merchandise, signs, printed materials and other means. Research demonstrates the significant impact advertising (including some forms of coupons) and branded merchandise of substances plays on youth intent to use, initiation, and ongoing use. Therefore a balanced approach is necessary to avoid unintended consequences of increased use among youth.</p>	<p>May not advertise in a manner appealing to minors. 6-14-8(p) and 6-16-8(p): Prohibits advertising that is "misleading, deceptive, false, or designed to appeal to minors." Allows advertisement in newspaper, magazine, or other periodical of general circulation within the city or on the internet. No other advertising.</p>	<p>Changes to specific categories of advertising as noted below, but prohibited from advertising outside of the exceptions.</p>		<p>Need to define what is meant by "appealing to youth."</p>
3		Discounts/coupons	<p>Prohibits use of coupons and/or discounts (1) Includes coupons, free merchandise, swag (2) Businesses want to be able to have customer show affiliation (Bolder Boulder, veteran, birthday, etc.) in exchange for discount. Coupons that are distributed in a leaflet form or posted in public view serve as an advertisement that cannot meet the existing rules limiting advertisement where audiences are no more than 30% of viewers are minors.</p>	<p>Prohibits requiring a coupon (paper or e-copy) or exchange of anything to obtain the discount. Leafleting cars, handing out flyers, ads on vehicles, or handheld signs or sign spinners are not allowed. Stated in general, not just for coupons. Code cite same as above.</p>	<p>1) Exceptions: Allow coupons, but no leaflets/handbills; 2) Clarify definition of "exchange." Note: coupon ads in newspaper okay, but no exchange of paper. Note: businesses should keep a copy of coupon for business records; 3) Define handbill and leaflet.</p>		
4		Education	<p>Businesses want to be able to distribute instructions for use of products and educational materials with the business logo and other information particular to the business. Distribution of educational materials by businesses is encouraged. However, the materials should be developed by a public or non-profit organization and should not be branded with business logos, which would further serve as a form of advertising.</p>	<p>Does not limit the distribution or display of educational materials provided by marijuana business or other parties or instructions for use of product so long as it does not have a brand logo. Does prohibit anything that would be considered advertising, handbill or leaflet. Code cite same as above.</p>	<p>Allow businesses to distribute within the store or at approved events that occur outside store. ("approved event" = approved under city code) educational materials created and provided by public agencies or non-profit organizations without marijuana business branding.</p>		
5		Sponsorships/ Events	<p>Businesses want to participate as a sponsor by being able to have booths, signs and distribute written or tangible materials (swag) with their logo brand. Sponsorship is encouraged, but advertisement within sponsorship should be limited, especially in locations or at events where more than 30% of participants are minors or controlled access is not achievable.</p>	<p>Not currently allowed to participate in or host an event as a marijuana business. 6-14-8(p)(1)(D) and 6-16-8(p)(1)(D) - Advertising which is purely incidental to sponsorship of a charitable event is allowed (can be listed as event sponsor in print, posters and t-shirts as is any other sponsor when all sponsors listed; may not have individual recognition as sponsor by separate banner, booth, print materials) but may not separately advertise at non-profit events. No booth or flyers or separate banner.</p>	<p>1) Clarify definition of "incidental." 2) Allow participation in booths (not events) to distribute informational material. 3) Adopt state rule that no more than 30% of participants can be minors.</p>		

	A	B	C	D	E	F	G
1		Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
6		Job Fairs	Unintended consequence Prohibition on advertising prevents distributing materials for employee recruitment at job fairs.	Restrictions in advertising/sponsorship do not permit booths or handouts. Code cite same as above.	Amend city code to allow for job fair exceptions: a) allow company-related materials and handouts at job fairs aimed at employees over 21 years of age; b) note that at least 70% of the audience at the job fair must be reasonably expected to be over 21 years of age. This applies to all job fairs; c) define "job fair and reasonably expected."		
7		Signs	Not allowed off-site	None off-site. A sign with the business name and business address only is allowed at the business location. 6-14-8(p)(1)(A) & 6-16-8(p)(1)(A) & 9-9-21 (sign code)	Panel did not seek change		
8		General Merchandise	Panel agreed to support sustainability of the marijuana industry by allowing sales of additional products while remaining protective of our advertising goals.	6-14-8(p)(1)(C) and 6-16-8(p)(1)(C): Allows any products with brand/logo of MJ center, including wearable and non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold. Doesn't allow products of other brands/logos other than marijuana business. No marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.	Allow sale of any non-consumable merchandise, including merchandise that is not marijuana or marijuana accessories, at medical or recreational marijuana retail facilities, whether or not the merchandise is branded.	Differs from laws limiting what liquor stores can sell.	
9		Merchandise	Businesses want to be able to sell merchandise other than marijuana and marijuana accessories. They also want to be able to sell non-branded and branded merchandise of other marijuana brands and not just their own brands.	6-16-8(p)(1)(C) - Permits sale of branded merchandise by license/store (i.e. but limited to only your store brand) Selling of wearable or non-consumable merchandise with the business name and logo on it, sale of MJ, and MJ accessories is allowed. No sale of products marked with its name or logo.	Align with state = can sell any merchandise except consumables. No free swag.	Same as above.	
10		Branded marijuana merchandise	same as above	Allows businesses to sell its own branded merchandise of the business, but not other marijuana businesses.	same as above.		
11		Unbranded marijuana merchandise	same as above	Sales of unbranded marijuana merchandise not allowed.	same as above.		
12		Merchandise unrelated to MJ	same as above	Does not allow sale of products others than marijuana and marijuana accessories (constitutional language).	same as above.	same as above.	
13		Zoning					
14		Sq. ft. limits	Square foot limitations on all types of MJ businesses (sales, grows, & MIPs).	6-16-7(g) - 3,000 sf retail 6-16-7(h) - 15,000 sf grow/MIP	There should be no limits on the square footage of cultivation facilities and MIPs.	Requires amendment to Title 9 and Planning Board approval.	Panel recommendation would require amendment to Title 9 and approval by Planning Board. Panel has not determined whether to pursue such action.

	A	B	C	D	E	F	G
1		Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
15		Density	Businesses do not want a limit on the number of MJ businesses that can be in proximity to other MJ businesses, schools, day care and rehab facilities.	No more than 3 MJ businesses w/in 500 ft. of each other. 6-14-7(f)(3); 6-16-7(e)(3)	There should be no density restrictions on cultivation facilities and MIPS. This does not apply to stores.	Diversity of business type had been an important principle to city council. Sustainability negatively affected by lack of diversity of businesses.	This decision may be revisited if there are changes in density regulations.
16		Setbacks	Businesses were concerned that the setbacks from schools, day cares and rehab facilities for all marijuana businesses unnecessarily restricted the places marijuana businesses could locate.	Dispensaries not permitted within 1000 ft of a school, day care, or rehab facility. 6-14-7(f)(1); 6-16-7(e)(1) MIPS and grows may not be within 500 ft of such facilities 6-14-7(f)(2); 6-16-7(e)(2)	The setbacks from schools, day cares and rehab facilities should not apply to cultivation facilities or MIPS because those businesses do not have public access or outdoor signage or presence that provides exposure to minors.		
17		Limit on size of cultivation facilities.	Businesses want to be able to combine up to 5 grows of 15,000 sf each into any combination of ownerships so could have 1 grow with 75,000 sf or 2 grows of 37,500 sf each, etc.	6-16-7(b)(3)	The 5 grow licenses that 1 licensee is allowed to hold should be able to be combined into any combination of locations to a total of 75,000 sf.	Contrary to council principle to prevent monopoly in Boulder. Requires amendment to title 9 to change zoning to allow over 15,000 sf.	
18		Max # of dispensary/center licenses held by one MJ owner	Businesses want to be able to own more marijuana businesses in the city.	6-16-6(a)(9) - The same business owner cannot own more than one each of dispensary and center.	Allow for up to 3 addresses of dispensaries/centers per owner. This could be up to 6 separate licenses if each location was co-located medical and recreational.		
19		Permanent modifications	Businesses request a clarification in regards to what qualifies as a permanent modification, as well as a tier system approach to minor and major modifications and fees.	Requires an application and approval for permanent modification for any change to the business documented floor plan or any other plan submitted with the license and made part of the application, or operation of the businesses. 4-20-64(h) and 67(9).	<i>See Exhibit 1 - Permanent Modification Chart</i>		
20		Virtual and physical separation	Businesses do not want a physical separation between medical and recreational in retail locations and cultivation facilities; want virtual separation.	Co-located medical and recreational retail centers must be physically not just virtually separated. 6-16-3(d).	Allow co-located retail and cultivation facilities to be virtually separated and eliminate physical separation requirement. Business will have to verify that they are maintaining separate books as provided in 6-16-9 for each license issued by the city.	City's objection is effect on ability to audit. Just discovered that businesses are co-mingling books which eliminates ability to audit and virtual separation will compound this.	Pat Brown, Revenue and Licensing Officer, will meet with Marijuana business financial people to clarify expectations of bookkeeping and auditing. City will provide a seminar on this in 30 days.
21		Sales					
22		Labeling of product	The state has now adopted labeling requirements which are staged to go into effect in July and Oct. 2016, so Boulder's provisions requested by patients will be no longer be necessary.	6-14-11(b)(3) - statement label conflicts with Rule 1004.5(b)(1)(j)(ii); live Oct. 2016 (3) 6-14-11(b)(2) - city is more specific on label where state is vague Rule 1004.5(b)(1)(k); live Oct. 2016	Align with State = remove city labeling requirements to coordinate timing when state requirements become effective.		
23		Sale of Clones	Marijuana businesses would like to be able to sell marijuana seeds and plants to customers.	Any germinated seed is a plant, and plants may not be stored or sold at medical/rec sales locations. 6-14-2 definition of "Medical Marijuana Plant" and 6-14-13(26) "Prohibited Acts"; 6-16-2 definition of "Recreational Marijuana Plant" and 6-16-13(24) Prohibited Acts.	Sale of clones is allowed. Pre-orders and same day pickup is required. Prepayments or deposits are allowed. Customers are allowed to purchase a max of 6 clone plants.		
24		Seeds	Confusion on interpretation issue resolved. Seeds are treated like flower for excise tax purposes at both city and state levels. Sales are based on weight allotments.		no change		

	A	B	C	D	E	F	G
1		Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
25		<i>Business Operations</i>					
26		Term "business manager"	The use of the term "business manager" is creating an unintended consequence: the term is leading employees to demand higher pay because of the title of "business manager."	6-16-2 - individual designated by owner as the person responsible for all operations of the business in the absence of the owner.	Change all references in Boulder Code and applications from "business manager" to "keyholder."		
27		Background checks - (1) eliminating 30 day waiting period (2) background criteria.	(a) Employees must wait 30 days before he/she can serve as a keyholder (manager) while a background check is performed (b) Unintended consequence: for businesses, this either requires owners to be on-site when a keyholder leaves that business, or qualify more employees as keyholders in case any one of them leaves the business. Boulder's interest has been to make sure that unqualified employees were not in charge of the operation of a city licensee.	Requires 30 day waiting period, higher background check criteria requirements than the state, and an objective rather than subjective review.	For business managers: (1) Eliminate 30-day waiting period for business mgr background checks by submitting a copy of the State MED Key Badge with city's "keyholder" application; (2) Panel agreed to adopt staff's suggested changes to background criteria. Attached as Exhibit 2.		
28		Hours of operation	Current hours of operation cause two issues: (1) competitive disadvantage w/other Colorado dispensaries because they can stay open later; and (2) operationally, it only provides the ability for employees to do transport and METRC corrections during hours of operation, inhibits employees from doing all the supplemental work necessary to comply with METRC reporting and labor.	6-16-8(f) - medical marijuana sales allowed from 8am - 7pm. 6-16-8(f) - recreational marijuana sales allowed from 8am - 7pm. 6-16-8(m)(8) - transport only allowed during hours of operation. County: allows sales from 8am - 10pm. State: allows sales until midnight.	Extend hours of operation to 10:00 p.m. Include additional requirement related to effective mitigation planning on the existing required neighborhood responsibility plan. Staff amended the form and the panel approved the changes. It reads in part, "(c) Effective Mitigation Planning: Describe how the MJ business will effectively mitigate neighborhood impacts to surrounding residences and businesses, including but not limited to, noise, traffic, crowding, lights, public consumption related to their business." Also requires a change to code 6-14-5(6)(C) and 6-16-5(6)(C) to add "effective mitigation of community impacts."	Concern about the ability to enforce neighborhood responsibility plan and mitigate impacts to residential areas. Area of high number of complaints to city.	
29		Visitors	Ability to allow non-licensees to be in restricted area: the city code makes exceptions for contractors, but not for consultants or judges/juries to be in restricted area.	6-14-8 No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area.	Align with state code = no for-profit tours. No for-profit tours. Not allowed for tourism and include state code procedure (i.e., use of log books is required).		
30		Combined HVAC system and other systems where building code allows	Required to have separate ventilation in a co-located business; 2 HVACs where 1 stronger unit would be more efficient.	6-16-8(h) - ventilation required 6-16-8(r)(1) - separate ventilation required	Create a city code exception to allow for combined HVAC systems for co-located business.		
31		Maintaining back-up of surveillance tapes	Confusion by licensees clarified by staff. No need to change city code. State requires back-up for at least 40 days and city requires only 30 days.	6-16-10(a) - recordings maintained for a minimum 30 days.	Increase City requirement from 30 to 40 days.		
32		<i>Licenses</i>					
33		Transfer license to new owner	Prohibition of transfer/sale of license.	6-16-3(e) - Can sell stock/memberships but not entity.	Allow sales and transfers of inventory (with authorization by state), assets, and infrastructure that are portable to other locations; allow licenses to retain grandfathered provision, the license remains in the same physical location. Can sell business entity and transfer license for that location to new entity.	Needs to be able to conduct background checks before transfer. No other licensees transferable, except liquor that is governed by state law.	

1	A	B	C	D	E	F	G
		Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
34		Transporting MJ product among MJ licensed businesses	(1) City code defines which MJ businesses MJ may be transferred to; (2) Not at issue for city since the state eliminated vertical integration, the limits on which licensed MJ business MJ is being transferred to and from is not an issue; (3) Issue: Boulder's enforcement issue is that city police be able to determine quickly whether the MJ in a vehicle is legal or not; the e-mail bounce back of the manifest is sufficient monitoring when MJ is being transported among licensed businesses.	6-16-8(m)(5) - MJ "must be accompanied by the manifest and confirmation email from the State of Colorado" 6-16-8(m)(6) - MJ "must be accompanied by the email receipt confirmation from the Boulder Police Dept."	Remove restrictions related to transfer of product or plants by: (1) Eliminating subsections of 6-14-8(m)(4) A-D; (2) Eliminating subsections of 6-16-8(m)(4) A-D. No change to requirement for city e-mail bounceback.		Note new Law: Transporter License: Jan. 1 allowed, must be licensed by July 1. This panel won't be able to address this b/c still need to go through rulemaking, etc. and the state may not even give the city the ability to regulate transporters.
35		Applications for MIP licenses to include locations of the grow supplying at least 70% of the marijuana.	MIPs no longer have to prove that 70% of product comes from their cultivation facilities.	6-16-5(a)(16)	Remove 6-16-5(a)(16) - not necessary since 70/30 rule was removed Nov. 2015.		
36		Posting for suspension periods	City Licensing has not imposed suspensions, but the municipal court has done so. For liquor licenses suspended, posting on the property is required during the suspension period. Likewise, MJ licenses should be required.	Not currently addressed in city code.	Add to city code requirement of posting during periods of suspension (similar to liquor licensing).		
37		Schedule of Penalty Guidelines	It is important for staff to have penalty guidelines in order to be consistent in penalty assessment. It is also beneficial to marijuana businesses so that they are aware of the potential penalty depending on the type of violations. There is perception that there is a list of subjectivity in enforcement.	Penalty Guidelines are not part of the Code. (They have always existed; they just are not part of the code for marijuana or any other penalty schedule).	Guidelines for Penalties. Attached as Exhibit 3 .		
38		Transfer of license location	Transfer of location requires new license application.	6-16-3(d) - New license required for new location.	No change.		
39		<i>IDs</i>					
40		Not all IDs can be read by scanners	Not all IDs can be scanned: Military IDs, passports and passport cards, tribal/Native American cards with all appropriate info, some US territory driver's licenses, and worn barcodes are not scannable and therefore impossible to comply with law.	6-16-8(b) requires all identification to be verified by using an electronic scanner.	(1) Add provisions to Boulder Code to recognize that some legitimate IDs cannot be scanned, but may be reasonably relied upon by the licensee. Language would read something to this extent - "If it can scan, you must scan. If not, visual confirmation is mandatory." (2) Make it mandatory for employee to take city ID check training or state responsible vendor training w/in 90 days of first day of work; applies to retail only, not MIPs or grows. Liquor licensees have 90 days to train new employees, and MJ license holders should have same amount of training time. (3) Create rule as to what classes are approved.		
41		ID scanners at grow/MIP	No need for scanners at MIPS or grows, but Code makes it mandatory to validate IDS with scanner.	6-16-8(v) - "marijuana business shall verify the proof of age" with a scanner.	Change 6-16-8(v) "marijuana business" to "recreational marijuana center" to clarify that scanners are not required at grows, MIPs, medical centers or testing facilities. If a recreational and medical center co-locate, a scanner is required.		

	A	B	C	D	E	F	G
1		Topic	Issue/Description	Current City Code	Panel Recommendations	Staff Considerations	Outstanding issues
42		Confiscating fraudulent IDs	When a liquor licensee is shown a fraudulent ID, normal practice is to confiscate the ID and send to BPD. This avoids the minor from being able to use the same ID at another location and helps prevent minors from obtaining liquor or businesses from being charged for serving a minor. This same requirement should apply to MJ regs.	not currently addressed in city code	Add to the city codes the same requirements of liquor licensees to confiscate fraudulent IDs and turn them into BPD.		
43		Other misc topics					
44		Odor regulations	All marijuana businesses are subject to odor regulations and must have proper ventilation so that odor cannot be detected outside the premise. The most frequent community complaint about mj businesses is odor.	6-14-5(a)(12) and 6-14-8(h); 6-16-5(a)(12) and 6-16-8(h).	No change recommended.	Building department inspectors work with licensees to best handle their odor. Penalties are not often imposed because most businesses can be mentored into compliance. The odor regs have been successful because they have mitigated odor that impacts non-mj businesses and nearby residents.	



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: Oct. 4, 2016

AGENDA TITLE: Consideration of a motion to accept the Aug. 30, 2016 Study Session
Summary: Update on Homelessness Issues, Strategy and Action Plan.

PRESENTER/S

Jane S. Brautigam, City Manager
Karen Rahn, Human Services Director
Greg Testa, Police Chief
Linda Cooke, Municipal Judge
Kurt Firnhaber, Deputy Director of Housing
Curtis Johnson, Deputy Police Chief
Wendy Schwartz, Human Services Planning and Program Development Manager

EXECUTIVE SUMMARY

This agenda item presents a summary of the Aug. 30, 2016 study session: Update on Homelessness Issues, Strategy and Action Plan. The study session provided an update on:

- Progress on key programs and initiatives related to the Homelessness Strategy and Action Plan;
- Emerging issues related to emergency day and night sheltering;
- Proposed working group to address sustainable solutions to emergency shelter, services, and housing targets; and
- Update on Police Department and Municipal Court enforcement efforts and new initiatives.

A summary of the study session can be found as (**Attachment A: Study Session Summary: Update on Homelessness Issues, Strategy and Action Plan**). The Study Session memo and previous council memos related to homelessness can be found [here](#).

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 Aug. 30, 2016 Study Session Summary: Update on Homelessness Issues, Strategy and Action Plan.

NEXT STEPS

- Homeless work group convened – Late Sep., 2016;
- Updates to council on progress – Dec., Feb., 2017 and
- Working Group recommendations by April 30, 2017.

ATTACHMENTS:

Attachment A: Aug. 30, 2016 Study Session Summary: Update on Homelessness Issues, Strategy and Action Plan

**Aug. 30, 2016 City Council Study Session Summary:
Update on Homelessness Issues, Strategy and Action Plan**

PRESENT

City Council: Mayor Suzanne Jones, Mayor Pro Tem Mary Young, Matt Appelbaum, Aaron Brockett, Jan Burton, Lisa Morzel, Sam Weaver, Bob Yates

Staff Presenters: Karen Rahn, Human Services Director; Greg Testa, Police Chief; Linda Cooke, Municipal Judge; Curt Johnson, Deputy Police Chief; Kurt Firnhaber, Deputy Director of Housing; and Wendy Schwartz, Human Services Planning and Program Development Manager

PURPOSE

The study session provided an update on:

- Progress on key programs related to the Homelessness Strategy and Action Plan, emerging issues, proposed working group to address sustainable solutions to day and night sheltering and services;
- Update on Police Department and Municipal Court enforcement efforts and new initiative; and
- Potential capital project to acquire a permanent site for day services combined with other potential services, including housing.

OVERVIEW OF PRESENTATION

Staff provided an overview of:

- Homelessness project updates and progress;
- Emerging issues, including:
 - Sustainability challenges of current adult day services – lack of consistent space and pressure on faith community sites;
 - Winter overflow sheltering through Boulder Outreach for Homeless Overflow (BOHO) – lack of sustainable funding; pressure on faith-based sites; connections to services; and
 - Need to identify model to address integrated services including integrated day shelter, Resource Center, and other services or housing.
- Staff recommended a working group to develop options with community partners;
- Updates on enforcement and new initiatives including:
 - April 5, 2016 council feedback: Explore strategies to reduce jail time for the homeless;
 - Police emphasized warnings in camping cases, which has not changed behavior;
 - Some people may come here for recreational marijuana, acceptance of Boulder community, differences in enforcement between Boulder and other communities; and
 - Pilot Camping Diversion program: community service in lieu of court appearance. To date, 21 “diversion cards” have been given out, and there have been court dates for 14 diversion defendants. Of the 14:
 - One completed the diversion;
 - One paid the fine amount;

- One pled guilty at jail court and received a jail sentence due to other warrants on additional cases;
- One case was dismissed by the prosecutor;
- 10 failed to appear in court; and
- The goal is to have all 25 diversion forms issued by mid-September.
- Homeless Outreach Team (HOT): Launched in May, 2016; connect people to services and divert from justice system. Early results:
 - Placed 1 veteran in housing; and
 - Placed 3 people in Fort Lyon supportive residential community for substance abuse recovery.
- Municipal Court Navigator: more quickly connect defendants to service providers and housing. Early outcomes:
 - Assessments completed for entry to regional housing list: 12;
 - Placed at Fort Lyon: 4; and
 - Placed in short-term substance use treatment: 4.
- Early Diversion Get Engaged (EDGE) Program: Mental health triage in responding to calls – 99 percent of EDGE encounters result in successful engagement in services and diversion from justice system.
- Housing as a best practice to address homelessness and staff recommendation to establish specific housing targets and funding as part of the city’s Homelessness Strategy and housing policies; and
- A stakeholder working group will be convened to provide recommendations on a sustainable plan to address emergency services, integrated day services center, and housing targets.

Greg Harms, Executive Director of Boulder Shelter for the Homeless (BSH) answered questions about the BSH management plan, the [Neighborhood Shelter Action Group](#), city funding to BSH and BSH capacity.

Questions for Council:

1. Does council support the staff recommendation to develop options with community partners for a permanent day shelter and Resource Center and potentially other services or housing?
2. Does council have feedback or direction on the current Police Department or Municipal Court approach to enforcement or diversion?
3. Does council support staff recommendation to identify specific housing targets for addressing homelessness, including types of housing for transitional living and permanent supportive housing for individuals and families, and the required funding, as part of the city’s Homelessness Strategy and housing policies?
4. Does council have further direction for staff as follow up to the Bus Tour on August 1st, related to the use of city vacant land for a housing project to serve the homeless?

COUNCIL DISCUSSION

General Themes

- Support for staff working with community partners to develop recommendations for a permanent day shelter and resource center, potentially with other services or housing. Staff will bring recommendations back to council for approval;
- Support for enforcement of camping ordinance by Police Department, and innovative programs, such as the HOT Team and Municipal Court Navigator, implemented to present alternatives to offenders;
- Support for staff to identify specific housing targets for addressing homelessness, including types of housing for transitional living and permanent supportive housing for individuals and families, and the required funding, as part of the city's Homelessness Strategy and housing policies. Staff will bring recommendations back to council for approval;
- Re-evaluate targets for emergency sheltering needs, including seasonal needs, and return to council with recommendations by the end of this sheltering season (April 30);
- Need further exploration before determining housing opportunities on city land or other locations; and
- Interest by some council members in additional funding for homelessness services and supports.

Homeless Service System/Day Services

- Important to invest resources primarily in people that want to be a part of the community, though some people passing through may need some basic level of service;
- Continue to pursue service integration and consistent, integrated data about homeless populations and service system. Consider integrating family data into the system being created with Boulder County and adult homeless services providers; and
- Include neighborhood outreach in exploration of potential service sites.

Housing Targets and Sheltering

- Boulder cannot serve everyone. Developing housing targets for Boulder may also help to clarify countywide targets with other communities;
- Consider summer options for sheltering and alternatives to camping;
- Housing targets to be developed would be in addition to the existing 10 percent goal for permanently affordable housing. Housing also considering integrating units of permanent supportive housing throughout affordable housing projects coming online – 50-80 units could be developed over next few years as part of other projects;
- Tiny houses on city land may offer an option that's faster and less expensive in the short term than more traditional structures. However, there are also concerns about this solution considering safety, social policy, best practice and use of land. Need more exploration to determine if this is best use of resources; and
- Use creative ideas such as Consortium of Cities Permanent Supportive Housing Study recommendation that cities with funds work with cities with land to create housing.

Understanding Transient and Resident Homeless Populations

- Interest in doing summer survey similar to Point In Time survey conducted during January or some other data collection methods to better inform this issue.

Enforcement and New Justice System Programs

- Appreciate the quick implementation of innovative programs. Unfortunate that more people are not taking advantage of Diversion Program options;
- Goal to eventually reduce police involvement as first responders to homelessness; and
- Look at other communities' initiatives in this area. For example, Fort Collins court is implementing program focused on defendants with lower level of justice system interaction.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 4, 2016

AGENDA TITLE Consideration of a motion to accept the Study Session Summary from Sept. 13, 2016 on the 2017 Recommended Budget

PRESENTERS

Mary Ann Weideman, Deputy City Manager
Cheryl Pattelli, Director of Finance and Risk Management
Peggy Bunzli, Executive Budget Officer

EXECUTIVE SUMMARY

The purpose of the Sept. 13 Study Session was to present information on the 2017 City Manager's Recommended Budget and receive council's feedback.

The first reading of the 2017 budget ordinances will be held at the Oct. 4 City Council Meeting. Additional information related to the Sept. 13 Study Session is provided in the Oct. 4 City Council Meeting 2017 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 Sept. 13 study session related to the 2017 recommended budget. The summary is included as **Attachment A** to this agenda item.

BACKGROUND

Background information can be found in the [2017 City Manager's Recommended Budget](#) document and the [Sept. 13 Study Session memo](#).

NEXT STEPS

A public hearing and the first reading of the 2017 budget ordinances will be held at the Oct. 4 City Council Meeting. Additional information related to the Sept. 13 Study Session is provided in the Oct. 4 City Council Meeting 2017 recommended budget memo. A public hearing and the second reading of the 2017 budget ordinances will be held on Oct. 18.

ATTACHMENT

- A. Summary of the Sept. 13 City Council Study Session

September 13, 2016
City Council Study Session Summary
2017 recommended budget

PRESENT

Council Members: Suzanne Jones, Mary Young, Bob Yates, Sam Weaver, Aaron Brockett, Matt Applebaum

Staff Members: Mary Ann Weideman, Cheryl Pattelli, Peggy Bunzli, Michael Calderazzo, David Driskell, David Farnan, Heather Bailey, Mike Sweeney, Wendy Schwartz, Tom Carr

PURPOSE

The purpose of this study session was to present information on the 2017 City Manager's Recommended Budget and to receive council feedback in preparation for the first reading of the 2017 Budget ordinances on Oct 4. The study session had the following agenda:

- Financial Update
- Reserve Policies
- 2017 recommended budget
 - Budget Overview
 - Budget Highlights
- Additional Information
 - Neighborhood Traffic Mitigation Program
 - Homelessness Initiatives

PRESENTATION**Introduction**

Deputy City Manager Mary Ann Weideman opened the meeting by thanking staff for their hard work and collaborative effort in preparing the 2017 recommended budget. She set the stage for the presentation by highlighting the agenda and explaining that the budget was developed in support of community priorities as expressed through the Sustainability Framework. She then introduced and turned the presentation over to Director of Finance and Risk Management Cheryl Pattelli and Executive Budget Officer Peggy Bunzli.

Ms. Weideman began the presentation by asking that council keep in mind a few important questions that pertained to various components of the 2017 budget and presentation. These questions related to council's receptiveness to the city's strategic approach for reserve policies and questions about transportation safety, the Neighborhood Traffic Mitigation Program as well as the proposed homelessness initiatives being included in the budget. Ms. Pattelli then began the city's financial update.

Financial Update

Ms. Pattelli provided a financial update for the city, focusing on the national, state, and local economic conditions that serve as the backdrop for the 2017 recommended budget. Ms. Pattelli noted that the overall the economic outlook is mixed. Growth is slow, but it is expected to continue and is characteristic of the later stages of an economic expansion. In the short term, low commodity prices and a strong U.S. dollar have created headwinds for business and manufacturing activity. In the long-term, demographic factors such as an aging population and generational consumption patterns are reducing labor participation rates and spurring a shift from consumption of [taxed] goods to [untaxed] services, respectively. Despite these pockets of weakness, the U.S. economy and the Colorado economy are expected to expand at a modest pace. For Colorado in particular, low unemployment rates and slowing job growth are signaling full employment and putting upward pressure on wages. Tourism, services, real estate and construction continue to grow and oil prices have stabilized, albeit at lower levels.

Ms. Pattelli then shifted the conversation to the economic picture for Boulder. She emphasized that while 2016 year-to-date sales and use tax returns show growth of 6.85 percent, use tax would actually be down 3.55 percent and retail sales tax would only be up 0.50 percent in the absence of a few large one-time tax audits and additional Amazon tax receipts that were received in 2016. A similar slow growth situation was evident in 2015 as well with Marijuana and FEMA receipts being the driving factor that kept revenues positive for the year. With that said, actual revenues did exceed projected revenues within the General Fund in 2015 and the city is in good shape relative to its long-term comprehensive financial strategy. Since the Blue Ribbon Commission, the city has been successful in addressing long-term structural revenue issues by securing tax renewals and removing Tabor limitations. On the expenditures side, the City has realized efficiencies and savings through better compensation alignment to market particularly in the healthcare and wellness space. The City has also firmly stuck to a policy of developing a balanced budget every year, using one-time revenues for one-time expenditures, ongoing revenues for ongoing expenditures and not allowing any funding gaps to develop.

Reserve Policies

Ms. Pattelli then moved the presentation onto the city's reserve policies. She stated that the city is bringing forth a 2017 recommended budget that specifies that General Fund operating reserves be maintained at the 17 percent level with a plan to grow the reserve level to 20 percent by 2020. There are no changes in reserve policies for the enterprise funds as they currently have reserves at healthy 25 percent levels. Ms. Pattelli explained that reserves policies are important for three primary reasons:

1. preparation for operational uncertainty to cover expenses related to extreme/public safety events, stabilize revenue, and provide for emergency cash flow;
2. maintain good standing with the rating agencies;
3. avoid unnecessary interest expense and conversely generate investment income.

Ms. Pattelli took time to explain the oft-misunderstood difference between Fund Balances and Reserves. Fund Balance is an accounting term that takes a point in time snapshot of the difference between assets and liabilities. This gets reported on the Comprehensive Annual Financial Report. Reserves, on the other hand, are a budget/policy term that designates the setting aside of resources to buffer against risk and comprises a portion of fund balance at any given time. She went on to explain that the city maintains reserve classifications for a variety of uses including emergency stabilization, pay period 27 (one extra annual pay period), compensated absences, debt/bond reserves, legal or management restricted reserves, and capital reserves.

Ms. Pattelli also pointed out that the level of reserves that is sought by the city is in line with industry best practices according to the Government Finance Officers Association at 16 percent (or two months) of regular operating revenues/expenditures as well as Standard & Poor's view on strong reserves that set the threshold at 15 percent. Ms. Pattelli stated that, industry best practices aside, it is important to consider reserve levels in the context of a city's unique financial situation. Boulder has done exactly this in light of heightened flood and wildfire risk, significant reliance on sales tax (at 40 percent of General Fund revenues), and restricted fund dependence on the General Fund which is set at \$8.9 million in the 2017 recommended budget. Boulder does compare favorably to surrounding peer communities whose reserve levels range between 16-20 percent.

Discussion:

The following general ideas and themes emerged from council discussion of the Reserve Policies:

- The criteria for using reserves varies by entity and application of the criteria needs to be flexible/opportunistic in terms of timing and amount. Any use of reserves should always include a plan or mechanism for replenishment.
- The term CAFR stands for Comprehensive Annual Financial Report. It is a report that the city releases annually that fully describes the city's financial structure and status.
- Consideration of growth as one of the risk factors when assessing reserve levels refers to the sudden and unfunded impact that growth within the city can have on capital facilities and services. Reserves can be used to bridge the gap until property and sales and use tax catches up. This is not the case in mature, slow-growth communities like Boulder.
- Reserves can be used in the context of capital expenditures in that they can provide temporary financing or bridge loans for large projects until debt issuance or other permanent financing sources are secured.
- The 17 percent level of reserves within the General Fund is approximately \$23 million.
- Boulder operates differently relative to many other cities in that it funds some primary programs and services out of restricted funds. This is most evident in the Parks and Recreation Department, Transportation Department and Open Space and Mountain Parks. The fund reserve levels are considered independently from the General Fund and work is being done to bolster their reserves.

- Boulder compares favorably relative peer communities' reserve levels which range between 16 percent and 20 percent. Staff will provide council with information that overlays these communities' debt levels.
- A recession could be an impetus to use reserves as it would allow the city to phase-out programs and services rather than implement immediate cuts.

Budget Overview

Executive Budget Officer Peggy Bunzli began the Budget Overview section by providing an overview of the timing of the 2017 budget calendar. Ms. Bunzli then went onto to describe the total 2017 recommended budget of \$321 million which is divided into \$261 million in operating expenditures and \$61 million in capital expenditures. The operating budget is further divided into \$131 million and \$130 million in General Fund and Dedicated Fund expenditures, respectively. The 2017 recommended budget represents a -1.79 percent change compared to 2016. This decrease is attributable to the 16.53 percent decrease in capital spending that proportionally overwhelmed the 2.46 percent increase in operating spending. The decrease in capital spending was due to the timing and/or annual variability spending of saved up money on large capital projects. Ms. Bunzli did mention that the numbers provided in the presentation differ from the council packet on account of the additional homeless initiative spending that was included after the original 2017 recommended budget was released.

Ms. Bunzli then described that the 2017 recommended budget includes \$315 million in total revenues, representing a 1.3 percent decline versus 2016. While the General Fund portion of total citywide revenues is projected to increase, the 2017 recommended budget reflects lower bond revenue for large capital projects compared to 2016. When utilities revenues are excluded citywide revenues fall to \$254 million. Ms. Bunzli did point out that expenditures exceed revenues by approximately \$6 million and that this represents the use of fund balance or one-time dollars for large capital projects. Also of special note in this year's budget is the removal of the transfer from the General Fund to the Library Fund. The majority of Library operating expenditures are now reflected as a direct allocation in the General Fund instead of a transfer to another fund.

Finally, Ms. Bunzli closed the Budget Overview section by addressing the addition of 9.13 Full-Time Equivalent (FTE) which is comprised of 4.62 FTE ongoing and 4.50 FTE Fixed-Term. The positions being added include video coverage support in Communications, admin support in Community Vitality, applications support in Information Technology (IT), admin support in Library and Arts, horticulture, reservoir safety and maintenance positions in Parks and Recreation, planning, affordable housing and environmental program support in Planning Housing and Sustainability, body-worn video coverage processing support in Police, Energy Code compliance in Development Services, and data collection and analysis in Transportation. The budget as presented includes 3.0 FTE more than the originally submitted budget due to the inclusion of 3.0 additional FTE for homelessness initiatives. The additions are net of reductions which is most noticeable in Human Services with the loss of 4.10 FTE. These positions support the Early Childhood Program and funding for this program shifted to Boulder County, including the FTE.

Discussion:

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

- The 20 percent increase in property tax in Boulder County flowed through to the city and accounted for an approximately \$5 million revenue increase.
- Sales and use tax makes up 50 percent of the revenue base once utility revenues are excluded. Boulder has a fairly diversified revenue base, but the 50 percent reliance on sales and use tax is important to monitor.
- The citywide debt that is presented in the 2017 recommended budget represents debt not associated with specific departments. Debt from departments like OSMP and Utilities is separately reported in their fund financials.
- Ongoing positions continue indefinitely whereas fixed-term positions are approved for specific temporary projects and the positions expire at the end of the projects.
- Development Excise Taxes and Impact Fees are imbedded within the “Planning and Development Fees” and “Other Taxes” sections in the citywide revenues pie chart.

Budget Highlights

Ms. Bunzli started the Budget Highlights section by explaining that the 2017 recommended budget was developed in support of community and council priorities that are expressed in master plans, strategic plans, under the umbrella of the Sustainability Framework and Priority Based Budgeting. Public feedback is incorporated throughout the process and seven key priorities emerged in this year’s process including:

- Enhanced commitment to social equity
- Increased funding for homelessness initiatives
- Continued focus on transportation safety
- Increased funding for Arts and Culture
- Continued support for climate, energy transformation, and resilience initiatives
- Directed resource and visioning efforts for Central Boulder Corridor
- Continued recognition of meaningful community and neighborhood engagement

Ms. Bunzli emphasized that the above-mentioned priorities were addressed from the context of long-term financial sustainability and resilience that called for evaluation of reserves and risk levels, compliance with federal labor and healthcare laws, minimal or fixed-term staffing increases, and investment in infrastructure and maintenance.

Safe Community

The 2017 recommended budget emphasizes rehabilitation and replacement of aging utility infrastructure and mitigation of flood hazards. This is being addressed through investments in the city’s water and wastewater facilities and increased focus on major pipelines and the wastewater collection system. Additionally, the budget includes funding

for major flood mitigation projects at Wonderland Creek, Fourmile Creek and South Boulder Creek. From a public safety perspective, the 2017 recommended budget includes funding for a 1.0 FTE position in the police department to manage body-worn camera footage, investments in near-term radio infrastructure upgrades for both Police and Fire, funding in Fire-Rescue to join the Regional Hazmat response authority, and funding from the Community, Culture and Safety tax to improve lighting along the Boulder Creek Path as well as bicycle and pedestrian safety improvements along Baseline and 13th street.

Environmentally Sustainable Community

The 2017 recommended budget addresses environmental and sustainability priorities by including funding for a fixed-term energy code specialist to manage the implementation of near-term energy code updates. The 2017 budget also directs additional resources toward a fixed-term zero waste compliance position to assist property owners in complying with universal zero waste requirements, increases funding to enhance the existing energy efficiency programs, provides for the development an energy system transition roadmap and funds the study and development of a local carbon offset fund. Finally, the 2017 recommended budget continues the carryover of funds from 2015 and 2016 to fund the current phase of the electric municipalization project.

Livable Community

The affordability of housing within Boulder is a continuing challenge and the 2017 recommended budget continues the city's commitment to find solutions by increasing funding to implement the Middle Income Housing Strategy along with other Housing Boulder work plan items like the 1:1 replacement ordinance, the Affordable Housing Benefit Ordinance and the 10 percent permanently affordable housing goal. Secondly, Planning, Housing and Sustainability is proposing additional investments in continuing the Design Excellence Initiative, implementation of a new form-based pilot code, updating site review criteria for community benefit as well as taking a leading role in the Central Boulder Long-Term (CBLT) Planning Effort. Additional resources in the CBLT area are being used to identify future priorities for sub-community and area planning, redevelopment planning and site activation in the Civic Area and Alpine-Balsam sites and exploration of options relating to the University Hill hotel conference project. The 2017 recommended budget also includes additional funding for neighborhood services programs such as the block party trailer, Living Room Conversations and sustainable neighborhood modeling.

Healthy and Socially Thriving Community

Increasing the funding for programs and services that enhance the city's ability to sustain a healthy and socially thriving community was a major focus of the 2017 recommended budget. To better achieve social equity, the Budget includes an increase in the minimum rate of pay to \$15.67/hr for all standard and temporary employees as well as contracted janitorial, landscaping, and emergency medical providers. The 2017 recommended budget also includes one-time funding extension of the Early Diversion Get Engaged (EDGE) Program to extend the program and allow time for permanent third-party funding to be secured. This program is a partnership between Mental Health Partners,

Boulder Police Department, Longmont Police Department and the Boulder County Sheriff's Office that seeks to divert individuals with mental illness and addictions out of the criminal justice system. Another major component of the 2017 Budget is significant funding increases for the Office of Arts and Culture. Specifically, ongoing administrative and research funding is included along with significant one-time funding increases in the Arts Grants program and the public art component of the Civic Area redevelopment.

Economically Vital Community

The 2017 recommended budget addresses the importance of maintaining an economically vital community by increasing funding in three areas. First, the budget includes increased funding for the Department of Community Vitality to complete a master plan that reflects its recently changed departmental reorganization. The department was reorganized to better serve its function of providing oversight for the economic vitality of the downtown area, the university hill area and the Boulder Junction Access Districts. Second, the 2017 recommended budget includes funding for the negotiation and pre-development costs for a city-owned parking garage located on university hill. The garage is part of a public-private-partnership to develop a 150-room boutique hotel with 30,000 of retail space. These efforts reflect City Council's strategic goals of addressing parking needs on the university hill as well as introducing new and diverse commercial uses to the district. Finally, the 2017 recommended budget includes continued funding for special events coordination activities covering events such as the Ironman, BolderBoulder, Ride the Rockies and more.

Accessible and Connected Community

The 2017 recommended budget focuses on maintaining an accessible and connected community through a focus on transportation safety, broadband, and the Chautauqua Management Plan. In the case of transportation safety, the budget includes ongoing resources dedicated to advancing the 2014 Transportation Master Plan's Toward Vision Zero approach to transportation safety. Inherent to this approach is the data collection and analysis of traffic accident patterns that result in the implementation of various mitigation strategies including engineering, education, enforcement and ongoing evaluation. In 2017 in particular, the city is modifying signals, signs and pavement marking and redesigning intersection with high collision rates such as at 29th Street and Valmont. The 2017 recommended budget also includes additional one-time funding to complete a comprehensive broadband feasibility study that will assess engineering requirements, provide for contract negotiation assistance and business planning. Finally, the budget sets aside additional resources for implementation of the results of the Chautauqua Access Management Plan.

Good Governance

The 2017 recommended budget was in part informed by the September 2013 floods and the continuing investment in recovery, mitigation and resilience. While 80 percent of the flood recovery work has been completed – with the remaining projects primarily in Open Space - the financial impacts continue. This is most evident in the 7 percent contingency reserve that is being maintained in all affected funds. This reflects a reserve to pay off the de-obligation or claw-back of previously distributed FEMA funds that are deemed

outside of the scope FEMA funding. This reserve is looking likely to be utilized based upon the recent experience of surrounding communities. The 2017 recommended budget also focuses heavily on achieving and maintaining compliance with federal labor laws and administrative actions relating to the Fair Labor Standards Act and the Affordable Care Act. One good example in the 2017 Budget is the reclassification of 12.0 FTE in Open Space from seasonal employees to partial-year standard employees thereby making them benefit eligible.

Discussion

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

- The city did not previously participate in a regional Hazmat authority because one did not exist. The city cooperated with neighboring communities and Boulder County to provide additional coordinated hazmat response as needed, but there was no formal agreement. 2017 will be the first year of a formal agreement that establishes minimum staffing and training requirements.
- The Energy Code Specialist will be imbedded in the Planning, Housing and Sustainability department and will be used on a trial basis to help implement the energy code updates. The Zero Waste Compliance position's primary role will be to help business and residents comply with the zero waste requirements.
- The Energy Strategy budget is being funded with carryover from the upfront appropriation of Utility Occupation Tax (UOT) revenues in 2015. No additional UOT budget is being requested. The UOT carryover into 2017 is projected at \$3.2 million. An additional \$900,000 will potentially be spent out of the General Fund City Manager's contingency budget to cover staffing (financial, resource planning and engineering) and litigation of various electric utility formation issues that will be needed in the lead up to the transition. A majority of the \$900,000 could be deferred (\$694,071) but it depends on the outcome of the PUC ruling as this event will drive project timing. New staffing hires will occur in summer 2017 at the earliest.
- The extension of the Trails Contract Manager in Open Space coincides with the completion of the final FEMA-eligible flood recovery projects. It is a fixed-term position.
- The Living Wage funding included in the 2017 recommended budget does not cover the cost of in-sourcing janitorial and custodial service. This option was broached with council in June and the direction given was to opt to maintain contracted labor for these functions as the cost to bring in-house could be too high.
- The Arts Grants program will continue into 2017 especially with the new round of additional funding totaling \$450,000 over the existing \$225,000 in ongoing funding that currently exists. Dispersing these funds will be at the discretion of the Arts Commission.
- There is no new additional funding in the 2017 recommended budget for the Towards Zero transportation safety program. It is a continuation of existing funding levels.

- Transportation uses traffic and crash statistics to prioritize the use of funds for safety improvements. Funding is typically directed at areas with high incidence of accidents. These areas tend to center around arterial roads.
- In crashes involving vehicles and permanent existing structures like fences, impaired driving and excessive speed tends to be the main factor.
- The installation of yellow arrows vs. red arrows is assessed using multiple data points both before and after installation and these intersections are modified as necessary to ensure that maximum safety is achieved.
- There is a balance that has to be achieved in maintaining road/traffic safety. There are finite resources and prioritization must be used to direct resources. Consideration of throughput also has to be included in the analysis.

Neighborhood Traffic Mitigation Program

Transportation Director Mike Sweeney addressed the Transportation Department's current Neighborhood Traffic Mitigation Program (NTMP). The program includes \$610,000 for traditional photo enforcement, traffic data collection, and rotating mobile radar displays. The engineering treatment component of the NTMP was eliminated in 2003 due to reduced funding and budget reprioritization. The Transportation Master Plan identifies priorities with safety as the highest priority, followed by operational efficiency, quality of life, and finally auto capacity additions. The city currently only funds the top two priorities and the Transportation Advisory Board in June 2016 voted against re-incorporating engineering treatments, which are a lower priority, when the top two priority areas are not fully funded.

Discussion

The following general ideas and themes emerged from council discussion of the Neighborhood Traffic Mitigation Program (NTMP):

- The prioritization that occurs within the NTMP normally starts with a complaint from a neighborhood upon the receipt of which the Transportation Department deploys staff to collect data. If speed is found to be a problem, which is common, the city's response will be to seek resolution through education and enforcement rather than engineering treatments.
- Engineering treatments have pros and cons. They slow speeds, but they also slow speeds for emergency vehicles and have the potential to simply shift traffic patterns to the next adjacent street without the treatments.
- Council asked if it was possible to lower speeds throughout the city to reduce accidents much like was done in New York. It has been the experience in Boulder that lowering posted speeds does not affect driver behavior.
- In the Transportation Department's experience, there is often confusion between high speed and traffic volume from a neighborhood complaint perspective.
- Some member of council expressed sentiment that prioritization of transportation safety funding needs to be directed at intersections with statistically higher accidents rates. There is not enough funding to do everything.

Homelessness Initiatives

Peggy Bunzli covered the additional homelessness-related resources being proposed for inclusion in the 2017 recommended budget. These additional budget resources include one-time funding from the Human Services Reserve to ensure that day and night sheltering services are maintained from January 1-April 30, 2017 in addition to funding for the expansion of the family emergency rental assistance program. The 2017 recommended budget also included an additional General Fund allocation to support three areas of focus on homelessness. The first area is funding for an additional 3.0 FTE in Human Services to manage and coordinate homelessness programs and projects, along with NPE funding for work-plan development activities. The second area of funding was for a Mobile Integrated Health Program pilot which would provide for the procurement and deployment of a vehicle to respond to non-emergency calls from vulnerable populations. This program would reduce the burden on first responders and provide an avenue for professional (non-sworn) staff to better direct the vulnerable populations to the appropriate community services. Finally, the third area of focus is an optional set aside of \$1.9 million to contribute to the acquisition of a site for an integrated services center and housing. The latter component is not included in the 2017 recommended budget as presented.

Discussion

The following general ideas and themes emerged from council discussion of the Homelessness Initiatives:

- Council expressed support for, but directed staff to take a step back on, the proposed Mobile Integrated Health Program (MIHP) pilot. Council asked staff to do further exploration with potential partners, including financial costs and benefits, a shared model, and grant opportunities.
- Two council members expressed the desire to have the funds proposed for the MIHP be directed to community agencies providing services to the homeless. One council member indicated that proposed staffing funding should be directly provided to community agencies.
- Some council members expressed a desire to see additional funding (above what was proposed) to community agencies.
- Generally, council supported the emergency funding from the Human Services Reserve in order to cover January through April service needs.
- Council asked for information about County contributions to Emergency Family Assistance Association (EFAA).
- Council expressed concern over the cost of the summer survey and asked staff to consider alternatives including using data from the municipal court and/or collaborating with the University of Colorado. Council expressed the desire to ensure the survey data would be useful in better supporting homelessness initiatives.
- Some members of council expressed concern over the staffing proposed or felt that the proposed level of staffing was too high. Council members asked for more specific information related to the work the additional staff would be doing.

- Council expressed support for the homelessness working group and appreciated staff's responsiveness.
- Council directed staff to refine the proposed additional funding for homelessness initiatives and to bring back an alternate proposal, based on the feedback noted above.
- Council generally supported the integrated services center and the approach in staff's recommendation. Additionally, council expressed interested in seeing Housing dollars included in support of the integrated services center, rather than having the entirety of city funding be from the General Fund.

Conclusion

Ms. Bunzli closed out the study session by providing council with information on the next steps in the budget process including the dates of the Public Hearings on Oct. 4 and Oct. 18. She explained that the deadline for passing a budget is Dec. 1 and it must receive majority vote twice in the same form (two readings) to be legally approvable. City Attorney Tom Carr confirmed this and added that if changes occur to the budget on Oct. 18 then it will have to be brought back for a third reading unless passed on emergency.

Council indicated that the Oct. 4 meeting will be limited in nature and that they will approach the budget discussion at the Oct. 18 meeting as the opportunity to fully analyze and discuss the 2017 recommended budget.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 4, 2016

AGENDA TITLE:

Consideration of a motion to approve a twenty-year lease extension between the City of Boulder and the Boulder Day Nursery Association (BDNA) at Lots 4, 5 and 6 of Block 93 (SW Corner of 15th and Spruce)

PRESENTER/S

Yvette Bowden, Director, Parks and Recreation
Alison Rhodes, Deputy Director, Parks and Recreation

EXECUTIVE SUMMARY

The Boulder Parks and Recreation Department (department) currently holds and manages the existing land lease for the Boulder Day Nursery Association's property (BDNA) located at Lots 4, 5 and 6 of Block 93 (SW Corner of 15th and Spruce). BDNA owns a building at this site, which operates as a childcare for low-income and working families.

BDNA is requesting a 20-year lease renewal (Attachment A) with the City of Boulder (City) in order to secure bank financing to support the construction of their future BDNA location in Lafayette. The proposed lease renewal also updates several clauses to meet statutory and financial requirements.

STAFF RECOMMENDATION

Staff recommends the City Council approve the lease extension and authorize the City Manager to make minor amendments prior to or during the term of this agreement in order to ensure that the lease is managed in a manner that is consistent with applicable laws and the policies and regulations of the City of Boulder.

Suggested Motion Language:

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

Motion to Approve a twenty-year lease renewal between the City of Boulder and the Boulder Day Nursery Association at Lots 4, 5 and 6 of Block 93 (SW Corner of 15th and Spruce) and authorize the City Manager to make minor amendments prior to or during the term of this agreement in order to ensure the continued provision of in-town child care services in a manner that is consistent with applicable laws and the policies and regulations of the City of Boulder.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – BDNA’s operations provide employment for teachers as well as work study opportunities for CU and Naropa University students.
- Environmental – BDNA’s location in downtown Boulder provides a central, accessible location for childcare. Employees are offered an RTD EcoPass.
- Social – BDNA provides working families and families of limited resources with high quality early childhood programs. The provision of sliding scale tuition facilitates critical early learning and family support services for low-income families in environments that respect diverse ethnic, cultural and social traditions.

OTHER IMPACTS

- Fiscal - Unchanged
- Staff Time – Fulfilling the requirements of the lease and maintaining Barker Park are part of current work plans.

BOARD FEEDBACK

The Parks and Recreation Advisory Board (PRAB), by charter, must approve all park leases greater than three years. At the September 26, 2016 business meeting, the PRAB approved the 20-year lease extension 5-0.

PUBLIC FEEDBACK

The department has not received any public comment regarding the proposed lease extension, nor did any members of the public participate in the Public Hearing at the September 26, 2016 PRAB business meeting.

BACKGROUND

In 1911, the land referred to as Barker Park was donated to the City by Hannah Barker to use in a manner that would result in a public benefit for children. In 1929, Boulder’s City Council voted to lease the land to BDNA for the purpose of constructing and operating a child care center focused on serving low-income families. BDNA owns the building while the City owns the underlying land as well as the playground and the entirety of Barker Park. While Barker Park and the playground are used exclusively by BDNA

childcare hours, the public continues to enjoy the amenity as a public park outside of BDNA's operating hours.

Leases between the city and BDNA were typically renewed in five year increments. This created financing issues for the non-profit in the form of higher interest rates and difficulty refinancing and securing loans. The current lease was initiated in 2001, with the term established as twenty years and set to expire in 2021 (see Attachment B). The proposed 20-year lease arrangement facilitates BDNA's ability to successfully secure federal and state grants and low interest bank loans.

According to Charter 164 (Attachment C), park leases require an affirmative vote of at least four members of PRAB and City Council approval for leases greater than three years.

ANALYSIS

BDNA is requesting a 20-year lease renewal (Attachment A) with the City in order to secure bank financing to support the construction of their future BDNA location in Lafayette. Additionally, the proposed 20-year renewal updates the insurance clause to meet the higher statutory requirements of \$1 million per occurrence and \$2 million aggregate; adds an assignment clause required by their bank; and adds a termination for breach clause required of all city contracts.

The department supports the lease renewal as BDNA is one of very few infant/toddler care providers in the city offering child care subsidies for low income residents. BDNA's tuition fees are determined on a sliding scale based on a family's gross income. BDNA also adjusts tuition for families that have experienced sudden job loss or financial hardship. Currently, over 90% of BDNA families receive significant tuition subsidies. This public benefit is a provision of the land lease, ensuring that the partnership will continue to promote affordable childcare in the city of Boulder. The department will continue to work with BDNA to ensure public access to Barker Park, fulfilling the requirements of the original deed.

ATTACHMENTS

Attachment A: Proposed Renewal Lease Between the City of Boulder and the Boulder Day Nursery Association at Lots 4, 5 and 6 of Block 93 (SW Corner of 15th and Spruce)

Attachment B: Existing Lease Between the City of Boulder and the Boulder Day Nursery Association

Attachment C: Charter 164

**AMENDMENT TO BOULDER DAY NURSERY ASSOCIATION
DATED January 2, 2001**

This Amendment is made as of the _____ day of _____, 20__, by and between the City of Boulder, Colorado, a Colorado home rule city as landlord (“City”), and Boulder Day Nursery Association, a Colorado non-profit corporation as tenant (“Association”).

A. The City and Association have had a mutually beneficial relationship for several decades and have had a lease arrangement since as far back as 1929. Most recently, the City and Association entered into a Contract dated January 2, 2001, to lease city property (the “Premises”) as identified in such contract; and

B. The parties wish to amend the terms of the Contract and to clarify the promises and obligations of the parties.

NOW THEREFORE, in consideration of the promises and obligations set forth below, the parties agree to amend the Contract as follows:

- 1. Section 7(a) is replaced by the following section to read:

INSURANCE. Contractor agrees to procure and maintain in force during the term of this Agreement, at its own cost, the following minimum coverages:

A. Workers’ Compensation and Employers’ Liability

- i. State of Colorado: Statutory

B. General Liability

- i. General Aggregate Limit: \$2,000,000
- ii. Per Occurrence: \$1,000,000

Coverage provided should be at least as broad as found in Insurance Services Office (ISO) form CG0001.

C. Automobile Liability Limits

- i. Bodily Injury & Property Damage
Combined Single Limit: \$1,000,000

Coverage provided should be at least as broad as found in ISO form CA0001 (BAP) including coverage for owned, non-owned and hired autos.

D. Professional Liability (errors and omissions)

- i. Each Claim/Loss: \$1,000,000
- ii. Aggregate: \$1,000,000

- E. Insurance shall:
 - 1. Provide primary coverage;
 - 2. Include the City of Boulder and its officials and employees as additional insureds as their interest may appear (except for Worker's Compensation and Professional Liability). Additional insured endorsement should be at least as broad as ISO form CG2010 for General Liability coverage and similar forms for auto liability;
 - 3. Include a waiver of subrogation for General Liability coverage;
 - 4. Issue from a company licensed to do business in Colorado having an AM Best rating of at least A-VI; and
 - 5. Be procured and maintained in full force and effect for duration of work.

- F. Certificates of Insurance evidencing the coverages described herein, shall be forwarded to Department of Parks & Recreation. Certificate Holder shall be: City of Boulder, 1777 Broadway, Boulder, CO 80306.

- G. Within seven days after receiving insurer's notice of cancellation or reduction in coverage, Contractor, or its insurance broker, shall notify the City. In either such case, Contractor shall promptly obtain and submit proof of substitute insurance complying with the City's insurance requirements.

- 2. Section 10 is added to the Contract with the following additional provision, to read:

Assignment. This Agreement may not be assigned by the Association without the prior written consent of the City. Such consent shall not be unreasonably withheld. This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties. Successor uses shall be consistent with the original deed.

- 3. Section 11 is added to the Contract with the following additional provision, to read:

Termination for Breach. If either Party materially defaults in the performance of any term of this Agreement and does not substantially cure such default within thirty (30) days after receiving written notice of such default, then the non-defaulting Party may terminate this Agreement by providing ten (10) days prior written notice of termination to the defaulting Party.

4. By this amendment the parties agree to extend the term of the Contract for (20) twenty years from the date of this Amendment. A certificate of insurance shall be provided to the City evidencing coverage for the extended term of the Contract.

5. Except as amended herein, the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands to this Contract Amendment on the day and year above first written.

[SIGNATURE PAGE FOLLOWS]

LEASE

THIS LEASE is by and between **THE BOULDER DAY NURSERY ASSOCIATION**, a Colorado non-profit corporation as tenant (the "Association") and the **CITY OF BOULDER**, a Colorado home rule municipality (the "City") as landlord.

RECITALS

WHEREAS, the City is the owner of Lots 4, 5, and 6 in Block 93, Original Town of Boulder, according to the recorded plat thereof, holding said property by reason of a deed from Hannah C Barker to said City, and dedicating its use as a playground for children and for the use of the public generally,

WHEREAS, the Association is carrying on and operating a day nursery for children left with said Association for care and is using a portion of said property, upon which it has erected a building for the fulfillment of its objects and work,

WHEREAS, the building heretofore placed on the property has been previously approved by the City, and the plan of the grounds to be used by the Association has also been previously approved by the City, and

WHEREAS, said building was constructed pursuant to a contract between the City and the Association, entered into on November 15, 1929, as remodeled from time to time subsequent to that time, and the City of Boulder is willing to allow the Association to continue to use said grounds as it has heretofore used the same pursuant to the former contract.

COVENANTS

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

1. The City grants unto the Association the right to use the east fifty feet of the above-described property, upon which the existing building is located ("Existing Lease Area"), together with the following two additional areas

Parcel 1 That area including the fenced infant play area and ramp, totaling approximately 85 sq ft and specifically beginning at the north west corner of the Existing Lease Area, south along the west line approximately 31 feet to the intersection of the north line of the fenced enclosure which is the true point of beginning, thence westerly approximately 4 feet to the west line of the fenced enclosure and ramp, thence following the west line of the fenced ramp as it curves to the south and east approximately 36 feet to the south edge of the ramp, thence east approximately 1 foot to the west line of the existing lease area, thence north along the

west line of the existing lease area approximately 19 feet to the true point of beginning; and

Parcel 2: That area accommodating the foot print of the storage shed, which extends over the line of the Existing Lease Area, located at the southwest corner of the lease area, totaling approximately 13 square feet and is represented by a rectangle approximately 1 foot to the west of the existing west lease line and 13 feet to the north of the south existing lease line,

which three contiguous pieces of land (the Existing Lease Area, Parcel 1 and Parcel 2) constitute the leased premises (the "Premises") under this lease, and to use and hold the Premises for a day nursery for a period of twenty (20) years from the date of this Lease, subject to the conditions and stipulations hereinafter set forth

2 Any remodeling, enlargement, or additions made to the building or other structures on the Premises shall only be made in accordance with plans and specifications as approved by the City of Boulder Parks and Recreation Advisory Board

3 Title to the buildings and all other improvements installed or constructed upon the Premises and any repairs, alterations, additions or improvements to said buildings or improvements in accordance with the Lease shall be vested in and remain in the Association's name at all times during the term of this Lease. Upon the expiration of this Lease, (as it may be extended or renewed) or its termination in any way, the buildings may be removed from the Premises and the Premises restored by the Association if it so desires, otherwise, upon the expiration of this Lease, (as it may be extended or renewed) or its termination in any way, said buildings shall become the property of the City, to be thereafter removed by the City or used for whatever purpose it may determine

4 The care and maintenance of the Premises, shall be the duty of the Association, and the Premises shall be kept in good order and repair. The Association agrees to keep a custodian in charge of the Premises at all times to see that it is properly maintained and kept in good order and condition

5 The Premises shall be used as a day nursery, and the same shall not be used for any purpose contrary to the ordinances of the City of Boulder, or the laws of the State of Colorado, or of the United States. The Association shall offer discounted rates to children from low income households

6 The granting of the lease by the City, and the agreement on the part of the Association to maintain and operate a day nursery in the City, to offer discounted rates to children from low income households, to indemnify the City, and to provide insurance, shall be deemed a consideration for the granting of the Lease, and no other rental shall be required by the City

7 (a) The Association shall be liable for and agrees, at the Association's sole expense, to maintain or cause to be maintained, with insurers reasonably approved by the City, comprehensive general liability insurance with limits of liability of not less than \$150,000 per person \$600,000 per occurrence, and \$600,000 annual aggregate, for injury to persons or property, including death resulting therefrom. The above-stated policy limits shall be raised by the Association to meet any additional coverage required by amendments to the Colorado Governmental Immunity Act. The City, its officers, agents, employees, and authorized volunteers shall be endorsed as additional insured on such policy.

(b) The Association shall defend, indemnify, and hold the City and its officers, agents, employees, and authorized volunteers harmless against any and all claims, damages, and law suits arising after the date of this Lease, and any orders, decrees, or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of life sustained in or about the Premises, and the Association also agrees to save the City and its officers, agents, employees, and authorized volunteers against any and all injury, loss, damage, or claim for injury, loss, damage, or resulting from, any act, omission, or negligence of the Association or any employee or agent thereof on the Premises. This indemnification requirement also applies to any claim arising out of any event prior to the effective date of this lease, during the time when the Association was occupying any portion of the Premises as a holdover tenant from the preceding written lease.

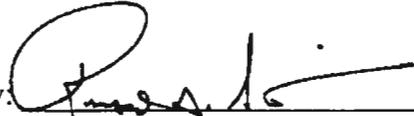
8. The Association further recognizes that the fenced playground west of the Premises is a public park and as such has, without limitation, the following attributes:

- (a) Public access must be allowed at all times,
- (b) All equipment within the playground is the property of the City, and
- (c) Any equipment or materials to be added to the playground by the Association must be approved by the City Manager or the Manager's designee, and any equipment or materials not having such approval must be removed from the area by the Association.

9 This Lease is effective on the signature date last below mentioned.

IT WITNESS WHEREOF, the City has executed this Agreement by its City Manager, attested by the City Clerk on behalf of the Director of Finance and Record, and the seal of the City affixed hereto, and the Association has executed the same by its President, attested by its Secretary, and the seal of the Association affixed hereto

CITY OF BOULDER, COLORADO BOULDER DAY NURSERY ASSOCIATION

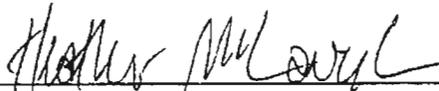
By: 
Ronald A. Secrist, City Manager

By 
President

Attest.

Attest


City Clerk on behalf of the
Director of Finance and Record


Secretary

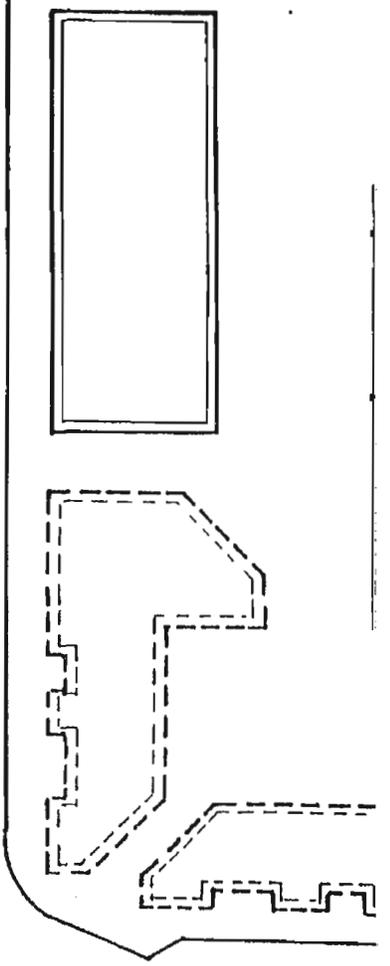
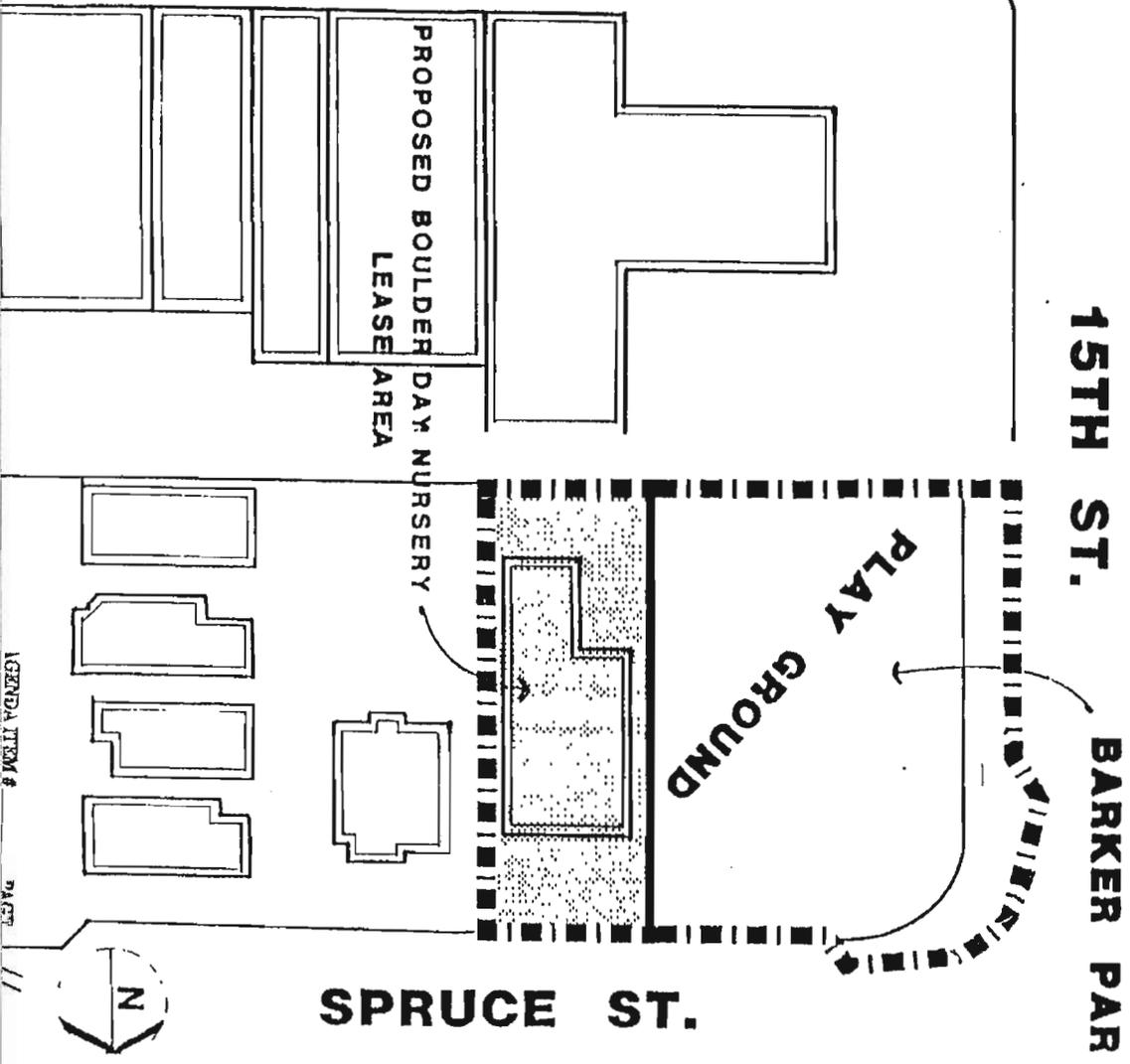
1-2-2001

Approved as to form


City Attorney

PEARL ST.

PEARL ST. MA



AGENDA ITEM # PAGE

Charter 164

Sec. 164. - Franchises, leases, permits, and licenses in parks.

No franchise shall ever be granted in or on park lands except on vote of the registered electors in accordance with the provisions of article VIII of the charter of the city.

The council may by motion grant leases, permits, or licenses in or on park lands, but only upon the affirmative vote of at least four members of the parks and recreation advisory board. The council may, by ordinance, delegate all or any part of this authority to the parks and recreation advisory board to approve such leases, permits, or licenses. The parks and recreation advisory board may, by motion, subdelegate all or any part of its delegated authority to approve such leases, permits, or licenses to the city manager. The city manager may enter into standard commercial licensing agreements for automatic food vending machines on park lands without the approval of the parks and recreation advisory board or the council.

The term of any license or permit granted hereunder shall not exceed five years, and any such license or permit so granted shall be revocable by the council at its pleasure at any time, whether such right to revoke be expressly reserved in such permit or license.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 4, 2016

AGENDA TITLE: Third reading and consideration of motion to adopt Ordinance 8124, amending Section 9-6-5(d) “Mobile Food Vehicle Sales,” and Section 9-16-1(c) “Definitions,” B.R.C. 1981 to redefine “Mobile Food Vehicle” to include bicycle mobile food vehicles; amending Section 7-6-28, “Bicycle Parking,” B.R.C. 1981; and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Tom Carr, City Attorney
Molly Winter, Executive Director, Community Vitality
David Driskell, Executive Director, Planning Housing and Sustainability
Sandra M. Llanes, Senior Assistant City Attorney
Caeli Hill, Associate Planner, Planning Housing and Sustainability
Lane Landrith, Business and Special Events Coordinator, Community Vitality
Mishawn Cook, License & Collection Administrator, Finance
Teresa Jackson, Events Manager, Parks & Recreation

EXECUTIVE SUMMARY

The purpose of this Council agenda item is to expand the current definition of mobile food vehicles to include bicycle food vehicles. The same set of application requirements related to mobile food vehicles would apply to bicycle food vehicles with two exceptions. Instead of requiring a driver’s license or auto insurance, the requirement for bicycle food vehicles would be a valid state issued picture identification and general liability insurance coverage. Sales would still be limited to the existing defined zones and areas and bicycle food vehicles would not be able to sell in transit (sidewalks, paths, trails, etc.). Lastly, an exception was created to allow for parking of bicycle food vehicles in areas where motorized food vehicles park.

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to adopt on third reading Ordinance 8124, amending Section 9-6-5(d) “Mobile Food Vehicle Sales,” and Section 9-16-1(c) “Definitions,” B.R.C. 1981 to redefine “Mobile Food Vehicle” to include bicycle mobile food vehicles; amending Section 7-6-28, “Bicycle Parking,” B.R.C. 1981; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The bicycle mobile food vehicle ordinance will enable and support the burgeoning mobile food vending industry by creating relatively affordable opportunities for new, local businesses while enhancing and building on Boulder’s very successful food culture.
- Environmental – Providing mobile food vending within industrial areas will lessen vehicle miles traveled (VMT) by reducing the desire for employees to travel to restaurants. Bicycle mobile food vehicles fully support the city of Boulder climate action plan and reduction of carbon emission goals.
- Social – There are no perceived direct impacts on social sustainability. However, bicycle mobile food vehicles will be allowed to participate in special events such as festivals that provide opportunities for social and cultural interaction.

OTHER IMPACTS

- Fiscal - Budgetary impacts to the city organization would not be affected.
- Staff time – Licensing staff will be able to process applications without need for additional support.

BOARD AND COMMISSION FEEDBACK

City of Boulder Planning Board Motion on June 2, 2016:

On a motion by J. Putnam, seconded by H. Zuckerman, the Planning Board voted 6-0 (C. Gray absent) to recommend approval of an ordinance amending Section 9-6-5(d) “Mobile Food Vehicle Sales,” amending Section 9-16-1(c) “Definitions,” to redefine “Mobile Food Vehicle” to include human powered vehicles, amending Section 7-6-28, B.R.C. 1981, “Bicycle Parking” and setting forth related details. Planning Board further recommends amending the current draft ordinance to include provisions for off-pavement sales in appropriate locations identified by the city in parks and other such places.

In order to maintain equity between motorized and non-motorized food vehicles, the city of Boulder Parks & Recreation Department is not in support of expanding access to the grassy areas of city parks at this time.

On a motion by J. Gerstle, seconded by L. May, the Planning Board voted 4-2 (B. Bowen and H. Zuckerman opposed, C. Gray absent) to recommend that staff consider and develop additional proposals in the future that would address the use of push carts in public areas for vending food.

The City of Boulder Parks & Recreation Department will add the potential use of mobile push carts in city parks to the 2017 work plan for further review and discussion.

BACKGROUND

On April 26, 2011, the Boulder City Council passed an ordinance allowing mobile food vehicles that meet specific criteria, to operate in certain areas of the City of Boulder and subject to a defined set of rules. As of June 1, 2011, in order to legally operate a mobile food vehicle, operators must hold a standard city business license, and apply for and receive a mobile food vehicle license from the City of Boulder Licensing division.

Recently council directed staff to analyze the code to see if it would be possible to allow for bicycle mobile food vehicles. The current code does not allow for this type of mobile food vehicle. However, staff identified that it is possible to allow for this new use by making the following changes: amending the definition of “Mobile Food Vehicle” to include bicycles in section 9-16-1(c), B.R.C. 1981, “General Definitions,” amending Section 9-6-5(d) “Mobile Food Vehicle Sales,” and amending Section 7-6-28, B.R.C. 1981, “Bicycle Parking” to allow for parking of bicycle mobile food vehicles in areas where mobile food vehicles now park.

ANALYSIS

Staff was directed to examine the current code for Mobile Food Vehicles and determine if and how bicycle mobile food vehicle sales could be allowed. After an analysis of Section 9-6-5(d) “Mobile Food Vehicle Sales,” B.R.C. 1981, it was determined that the only regulatory barrier to allowing bicycle vehicles was the definition of “Mobile Food Vehicle” in Section 9-16, B.R.C. 1981. By changing this definition, bicycle mobile food vehicles could be allowed. If a change to the definition were allowed, the only other aspect to allowing bicycle mobile food vehicles is to formulate the licensing requirements for this vehicle type, should they vary from those of motorized mobile food vehicles.

The proposed change to the definition of “Mobile Food Vehicle in Section 9-16-1, B.R.C. 1981, mirrors the current definition for bicycle. In addition, as a result of public comment, we have made an additional change to the definition for second reading in the amended ordinance to include bike carts that also have two wheels up front and one wheel in back. It reads as follows:

Mobile food vehicle means a readily movable, motorized-wheeled vehicle, a towed vehicle, **or a vehicle propelled solely by human power applied**

to pedals upon which any person may ride having two tandem wheels; two parallel wheels and one forward wheel; or two parallel wheels and one rear wheel which are more than fourteen inches in diameter, all designed and equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as defined in Section 4-18-4, “University Hill Mobile Vending Cart Permit,” and Section 4-11-12, “Mobile Vending Cart Permit,” B.R.C. 1981.

To create an equitable process for the acquisition of a mobile food vehicle license for both bicycle and motorized vehicles, the standards for licensing will be modified to incorporate requirements for bicycle mobile food vehicles that are as consistent as possible with the requirements for motorized mobile food vehicles. The proposed changes include the requirement that a bicycle mobile food vehicle operator acquire and maintain a valid, state issued picture identification card and general liability insurance coverage pursuant to the requirements of Section 4-1-8, “Insurance Required,” B.R.C. 1981, rather than requiring a driver’s license and auto insurance.

These requirements found in Section 9-6-5(d)(1)(D)(i) and (ii), B.R.C. 1981, parallel the requirements for motorized food vehicles and are also the least cost restrictive to those who may choose to operate as a bicycle mobile food vehicle sales operator rather than a typical mobile food vehicle due to costs. In addition, these requirements provide the city with the ability to ensure that these vehicles will operate in a way that protects the public’s health, safety and welfare.

Section 9-6-5(d)(1)(A), “Mobile Food Vehicles Sales,” B.R.C. 1981, include details about where mobile food vehicles are allowed. Those same standards would apply to non-motorized bicycle mobile food vehicles. In keeping with the idea of maintaining equity between motorized and non-motorized food vehicles, staff included a restriction to any sales *in transit*. See Section 9-6-5(d)(3)(N), B.R.C. 1981, in **Attachment A**. “*In transit*” is defined as traveling from one destination to another either by roadway, sidewalk, or path and in the case of a bicycle mobile food vehicle shall also include any stops along the way.

In addition, staff included an exception to Section 7-6-28(a)(4), B.R.C. 1981, that allows non-motorized bicycle mobile food vehicles to park (and sell food) where motorized food vehicles can now park.

City of Boulder Licensing will continue to review and issue licenses for both motorized and non-motorized mobile food vehicles that operate within the City of Boulder. It does not appear that any additional city resources are necessary to accommodate this change. Additionally, this proposed change will allow for an increase in food diversity options.

NEXT STEPS

The City of Boulder Parks & Recreation Department will add the potential use of mobile push carts in city parks to the 2017 work plan for further review and discussion.

ATTACHMENTS

Attachment A: Proposed Ordinance 8124

ORDINANCE NO. 8124

AN ORDINANCE AMENDING SECTION 9-6-5(D) "MOBILE FOOD VEHICLE SALES," AND SECTION 9-16-1(C) "DEFINITIONS," B.R.C. 1981 TO REDEFINE "MOBILE FOOD VEHICLE" TO INCLUDE BICYCLE MOBILE FOOD VEHICLES; AMENDING SECTION 7-6-28, "BICYCLE PARKING," B.R.C. 1981; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 7-6-28 "Bicycle Parking," B.R.C. 1981, is amended to read:

7-6-28. - Bicycle Parking.

- (a) No person shall park a bicycle or electric assisted bicycle in such a way as to:
 - (1) Cause an obstruction to or impede the flow of traffic or of pedestrians on public or private sidewalks and paths;
 - (2) Hinder or restrict access to handrails or ramps;
 - (3) Lock the bicycle to a tree, parking meter post, or pay station serving a space designated for handicapped parking, or fire hydrant;
 - (4) Park on a roadway except in an area designated for bicycle parking or unless licensed as a Mobile Food Vehicle pursuant to Section 9-6-5(d), B.R.C. 1981; or
 - (5) Leave the bicycle locked to a pole or post owned or leased by a public authority for more than twelve consecutive hours.
- (b) Persons stopping or parking bicycles or electric assisted bicycles shall obey all the provisions of this chapter regulating those activities on roadways, but are exempt from other provisions of this chapter unless specifically mentioned, notwithstanding their status as vehicles.

1 Section 2. Section 9-6-5 “Temporary Lodging, Dining, Entertainment, and Cultural Uses,”

2 B.R.C. 1981, is amended to read:

3
4 **9-6-5. - Temporary Lodging, Dining, Entertainment, and Cultural Uses.**

5

6 (d) Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:

7 (1) Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:

9 (A) The use shall be located at least:

10 (i) one hundred fifty feet from any residential zone districts, except as provided in Subsection (d)(1)(C) of this section;

11 (ii) one hundred fifty feet from any existing restaurant except as provided in sSubsection (d)(1)(F) below; and

12 (iii) two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, and DT-5 zone districts, and no limitation on the number of mobile food vehicles per private property with the owner’s permission in the Industrial zone districts.

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17 Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant’s mobile food vehicle to the closest point of the designated residential zone or property of the restaurant. For purposes of this section, the term restaurant shall include “eating places” and “retail bakeries” as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right of way, measurement shall be in the form of standard measuring devices, including and not limited to, a tape measure.

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22 (B) No person shall operate a mobile food vehicle in a public zone district unless in connection with an organized event pursuant to Section 4-18-2, “Public Property Use Permits,” B.R.C. 1981, or at the Boulder Municipal Airport (“Airport”) in such areas and manner within the Airport property as approved by the city manager pursuant to Section 11-4-4, “Special Airport Activity Permits,” B.R.C. 1981. For purposes of this section, the Airport property shall be defined as Lot 2, Airport South Subdivision.

1 (C) No person shall operate a mobile food vehicle in a residential zone district except
2 with prior approval by the city manager in the parking lot or the public right of way
adjacent to North Boulder Park or in any other park as approved by the manager.

3 (D) No person shall operate a mobile food vehicle sales use without a permit or in
4 violation of the conditions of a permit. The permit will be valid for twelve
5 consecutive months, or such other time as the city manager may by rule designate.
Such application shall meet the following requirements:

6 (i) provide proof of, and maintain, a valid driver's license, motor vehicle
7 registration, and current motor vehicle insurance;

8 (ii) or in the case of a bicycle mobile food vehicle; provide proof of, and maintain,
9 a valid driver's license or state issued picture identification card and evidence
10 of insurance coverage required by Section 4-1-8, "Insurance Required," B.R.C.
11 1981;

12 (iii) provide proof of, and maintain, a Colorado retail food license for a mobile unit;

13 (iv) provide proof of, and maintain, a valid sales use tax license;

14 (iv) provide payment of the fee prescribed by Section 4-20-66, "Mobile Food
15 Vehicle Sales," B.R.C. 1981.

16 (E) As a condition of accepting the permit, the applicant shall sign an agreement, in a
17 form acceptable to the city manager, in which the applicant agrees to meet all
18 requirements under this section and Chapter 4-1, "General Licensing Provisions,"
19 B.R.C. 1981, and assume responsibility for the actions and omissions of its agents
20 and employees in the performance of or failure to perform its obligation under the
21 permit.

22 (F) The city manager may, in his or her discretion, waive the requirements of
23 sSubsection (d)(1)(a)(ii) above if the applicant at the time of issuance, and each
24 renewal of the permit, submits to the city manager signed statements supporting the
25 issuance of the permit from every restaurant within 150 feet of the proposed food
truck location. The city manager may waive such requirements only for the BC-1
zone district. The city manager may deny a request for waiver for any reason, with
or without good cause.

(2) Scope:

(A) In addition to the zoning districts permitted by this section, mobile food vehicle
sales may take place in other public property locations, or in the public right of way,
but only as part of an approved organized event or street closure permit, and granted
pursuant to the authority in Section 4-18-2, "Public Property Use Permits," B.R.C.
1981, or any other relevant code section.

1 (B) The standards set forth in Subparagraphs (d)(1)(A) and (d)(3) shall not apply to
2 mobile food vehicle sales that meet the criteria as indicated in Subparagraph
3 (d)(2)(A) of this section, but shall be subject to any conditions imposed in
4 connection with the event. All other requirements of this subsection shall apply.

5 (C) The city manager may, from time to time, prohibit the issuance of additional
6 licenses in specified areas of the city in the interest of avoiding traffic congestion
7 or preserving the public health, safety, and welfare.

8 (3) Operating Requirements: No person who operates any mobile food vehicle on public
9 property or private property shall:

10 (A) obstruct the pedestrian or bicycle access or the visibility of motorists, nor obstruct
11 parking lot circulation or block access to a public street, alley, path, or sidewalk;

12 (B) locate any vehicle, structure, or device upon a public sidewalk within the extended
13 boundaries of a crosswalk, or within ten feet of the extension of any building
14 entranceway, doorway, or driveway;

15 (C) fail to maintain, and provide proof when requested, of written consent from the
16 private property owner authorizing the property to be used for the proposed use
17 with regard to mobile food vehicle sales on private property;

18 (D) fail to park legally;

19 (E) operate before 7 a.m. or after 9 p.m. and for more than a maximum of four hours at
20 any one approved location;

21 (F) set up any structures, canopies, tables, or chairs;

22 (G) sell anything other than food and nonalcoholic beverages;

23 (H) provide amplified music;

24 (I) place signs/banners in or alongside the public right of way or across roadways.
25 Signs must be permanently affixed to or painted on the mobile food vehicle;

(J) fail to have the vehicle attended at all times;

(K) fail to permanently display to the public in the food handling area of the mobile
food vehicle the permit authorizing such use;

(L) fail to provide at least three separate and clearly marked receptacles for trash,
recycling, and compost and properly separate and dispose of all trash, refuse,
compost, recycling, and garbage that is generated by the use;

(M) cause any liquid wastes used in the operation to be discharged from the mobile food
vehicle;

1 (N) sell in transit. "In transit" as used in this section shall mean traveling from one
2 destination to another either by roadway, sidewalk, or path and in the case of a
3 human powered mobile food vehicle shall also include any stops along the way.

3 (ON) fail to abide by all other ordinances of the city.

4 (4) The general licensing provisions of Chapter 4-1, "Licenses and Permits," B.R.C. 1981,
5 shall apply.

6 Section 3. Section 9-16-1 "General Definitions," B.R.C. 1981, is amended to read:

7 **9-16-1. - General Definitions.**

8

9 (c) The following terms as used in this title have the following meanings unless the context
10 clearly indicates otherwise:

11

11 Mobile food vehicle means a readily movable, motorized-wheeled vehicle, a towed
12 vehicle, or a vehicle propelled solely by human power applied to pedals upon which any person
13 may ride having two tandem wheels; ~~or~~ two parallel wheels and one forward wheel; or two parallel
14 wheels and one rear wheel which are more than fourteen inches in diameter, all designed and
15 equipped to prepare, or serve, and sell food, but which does not include mobile vending carts as
16 defined in Section 4-18-4, "University Hill Mobile Vending Cart Permit," and Section 4-11-12,
17 "Mobile Vending Cart Permit," B.R.C. 1981.

18

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

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

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 19th day of July, 2016.

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4
5 Attest: _____ Mayor
6
7 _____
8 City Clerk

9 AMENDED ON SECOND READING, AND ORDERED PUBLISHED BY TITLE
10 ONLY this 6th day of September, 2016.

11
12
13 Attest: _____ Mayor
14
15 _____
16 City Clerk

17 READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
18 BY TITLE ONLY this 4th day of October, 2016.

19
20 Attest: _____ Mayor
21
22 _____
23 City Clerk



CITY OF BOULDER
CITY COUNCIL AGENDA ITEM
MEETING DATE: October 4, 2016

AGENDA TITLE:

Introduction, first reading and consideration of a motion to order published by title only, Ordinance 8148 designating the building and a portion of the property at 2935 19th Street to be known as the **Tyler-Monroe-Bartlett Property**, as an individual landmark under the city's Historic Preservation Ordinance.

Owner/Applicant: Albert A. and Eleanor Frances Roberts Bartlett Trust

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 for City Council to determine whether the proposed individual landmark designation of the building and portion of the property at 2935 19th Street 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 result in the designation of the building and property as an individual landmark. The findings are included in the ordinance. This landmark designation application was submitted by the property owner on June 3, 2016, and was heard by the Landmarks Board on September 7th, 2016. The board voted 5-0 to recommend the designation to City Council. A second reading for this designation will be a quasi-judicial public hearing.

PROPERTY DESCRIPTION

Constructed in 1917, the two-story eclectic-revival house at 2935 19th St. is located between Elder and Cedar Avenues in the Newland neighborhood. The house is aligned perpendicularly to 18th and 19th Streets, its façade and main entry located on the south face, while the east (side) elevation of the house faces onto 19th Street. The surrounding lots were developed primarily in the 1950s and 1960s when the original Tyler Ranch was subdivided. It is not located in a potential or designated historic district, but was found to be potentially eligible for listing in the National Register of Historic Places when it was surveyed during the 1995 *Boulder Survey of Historic Places: Newland & North Boulder*. See Attachment B: Architectural Record Inventory Form.

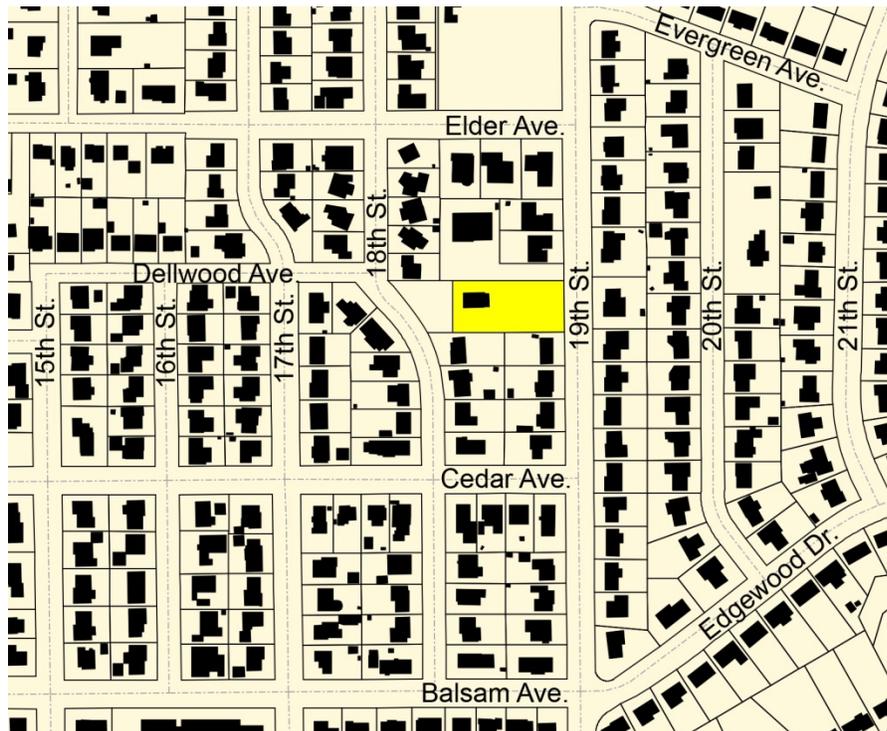


Figure 1: Location Map, 2935 19th St.



Figure 2: 2935 19th St., South Elevation, 2014

Designed in an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School, this prominent house makes use of local stone, a clay tile roof and echoes the Mediterranean Revival found at the University of Colorado, Boulder's campus. The rusticated fieldstone first story, stuccoed second story, prominent concrete lintels, emphasized entrance, and terracotta tile roof are all adapted examples of the university's traditional design vocabulary. A wide projecting eave reminiscent of early twentieth century "Prairie Style" houses of the Midwestern United States features exposed rafters covered at the end by a fascia board, which is itself largely concealed by copper gutters and downspouts. The roof is clad in barrel-shaped red terra cotta tile, and is crowned by a pair of stucco clad chimneys with metal vents.

The façade (south elevation) is dominated by a prominent entry covered by a hipped frame roof clad in red asphalt shingles and supported by carved wooden brackets and two square wood columns. The front entry features a single 6-over-6 light door, surrounded by rose colored decorative panels with curvilinear wooden frames. Three multi-light windows flank the entrance, with a pair of multi-light windows located on the east bay. The second story features three pairs of multi-light windows, with a bay located above the entrance. All windows appear to be original. An abandoned driveway descends to a basement level garage door at the east end of the façade.



Figure 3. East (side) elevation, 2014.

The east elevation features two sets of three double hung, one-over-one double hung windows on the first floor and a similar configuration of three-over-one, double hung sash windows on the second floor. A concrete string course supports the upper story windows while the lower story windows feature concrete lintels matching those on the façade.



Figure 4. Northwest corner, 2014.

The north face of the house features two pairs of six-over-one, double hung windows, and one shorter double hung window near the northwest corner. The lower level of the north elevation features one pair of hung windows near the inset to the narrow east wing, a single hung window in the middle, a shorter hung window just north of the center, and a back door.

The back door is accessed via four concrete steps and a landing, which are clad with field stone. A cellar door penetrates the field stone wall at the west face.

ALTERATIONS



Figure 5. Boulder County Assessor's Photo, c.1949

The house retains a high level of historic integrity, with only minor alterations having occurred over the years. The recilinear wood posts at the front entry were a later addition, likely made in 1975, when construction permit records show that work was being done on the front entry. The metal vents on the chimneys were added after the 1950's, and the westernmost chimney vents have been replaced since 1995. No clear historic imagery of the north or west elevations is available, making the extent of alterations there unclear. However, there is no visual evidence of significant change to the house in these areas.

HISTORY

Until the 1950s, North Boulder was predominately agricultural, with a mix of ranches and small farms. The land now occupied by 2935 19th St. was part of a ranch owned by local judge James H. Decker.¹ It was acquired by Captain Clinton M. Tyler, a prominent Boulder pioneer, in 1872. Tyler was a key early Boulder pioneer, arriving from Baraboo, Wisconsin to Colorado in 1860, where he established one of the most advanced stamp mills in the territory.² He, along with James P. Maxwell, was instrumental in establishing the first roads through the foothills above Boulder, a vital boost for the economy of the then-struggling town.³

¹ Simmons, R. Laurie and Thomas H. Simmons, *Boulder Survey of Historic Places, 1995: Newland Addition & North Boulder*. City of Boulder, 1995.

² Smith, Phyllis, "Old Boulder: Sketches of the Past." November 17, 1976. Boulder Carnegie Library clipping collection.

³ *Ibid.*

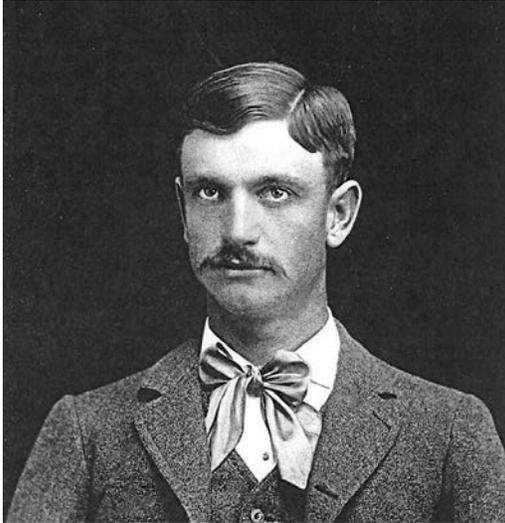


Figure 6: Fred Tyler, undated. Photo courtesy of Boulder Carnegie Library.

Fred Tyler took over his father's landholdings in Wyoming following Clinton's death in 1886, and later mined in Nevada.⁴ It was there he met and married Mae Robinson, originally from Detroit, on December 23, 1907.⁵ They moved to Denver in 1914 and to Boulder in 1917, where at 2935 19th Street they, "built one of the finest country homes to be found in Boulder County".⁶ It was designed and built for them by local building contractor and architect Albert Lawrence.⁷ Fred Tyler operated a quarry for architectural stone and gravel, located in Four Mile Canyon and was a member of the Masons and the Knights Templar.⁸ He died of pneumonia on October 17, 1928. Mae Tyler continued to reside at 2935 19th St. through the 1930s. She was a popular housemother of the Pi Beta Phi Sorority until 1944, when she resigned

the position due to poor health.⁹ Mae sold the house at 2935 19th St. to Lucius P. and LaRue M. Monroe in 1941 and died of a heart attack at Boulder Community Hospital on February 12, 1949.¹⁰

⁴ Daily Camera, October 17, 1928.

⁵ Ibid.

⁶ Ibid.

⁷ Simmons, 1995.

⁸ Daily Camera, October 17, 1928.

⁹ Daily Camera, "Mrs. Mae Tyler Dies Early this Morning of Heart Disease." February 12, 1949. Boulder Carnegie Library.

¹⁰ Ibid.



Figure 7: 2935 19th (outlined in yellow) and surrounding area in 1938 (upper) and 1958 (lower)

Lucius “Lu” Paddock Monroe was born in Boulder on December 11, 1907, the son of Dr. Charles A. and Edna H. Monroe.¹¹ He graduated from Boulder Preparatory School in 1926 and from the University of Colorado in 1930.¹² LaRue Myers Monroe was born on March 26, 1907, in Chico, Texas, to Harry E. and Flossie B. Myers.¹³ She attended the Gainesville public schools, the local junior college, and Southwestern Teachers College at Denton, Texas. During her studies, she spent a summer studying at the University of Colorado, which was when she met Lu Monroe. She remained in Gainesville, teaching at the Texas State Girl’s Training School, for two years before marrying Lu on June 23, 1931, and moving to Boulder.

¹¹ Daily Camera, “Lu Monroe, Retired Camera Publisher, Dies.” November 15, 1976. Boulder Carnegie Library.

¹² Ibid.

¹³ Daily Camera, “Mrs. Lu P. Monroe Dies; Funeral Friday.” December 5, 1968. Boulder Carnegie Library.

Lu Monroe had an illustrious career with the Boulder Daily Camera, starting as paper boy in 1918, becoming a full-time staff member in 1930, promoted to business manager in 1938, and to general manager in 1946, and finally publisher in 1969, before his retirement in 1970.¹⁴ He was prominent in press organizations, serving as president of both the Colorado Press Association and an officer and member of the board of the Inland Daily Press Association, as well as holding membership in numerous other professional associations.¹⁵ He was also a skilled photographer, receiving frequent recognition for his work which was often used in Daily Camera articles.¹⁶



Figure 8: Lucius and LaRue Monroe on a cruise to Hawaii, 1968. Photo Courtesy of the Boulder Carnegie Library.

LaRue Monroe was also an active community member, having been a member of the Boulder P.E.O., a quasi-secret sisterhood devoted to the advancement of education for women, and as president of Women’s Society for Christian Service of Boulder’s First Methodist Church.¹⁷ Like Lu she was an avid golfer.¹⁸ The Monroes owned the property at 2935 19th St. from 1941 until 1956 when they sold the house to Albert A. and Eleanor Bartlett. LaRue Monroe died in Boulder on December 5, 1968, of cancer.¹⁹ Lucius P. Monroe died on November 14, 1976, due to complications from brain surgery he had undergone to remove a tumor.²⁰

Albert A. and Eleanor Bartlett were the longest owners of the property, having resided there for over 40 years, and it remains in the family today. Eleanor was the daughter of Robert Chester and Mabel Stannard Roberts, born November 13, 1924 in Franklin, Indiana.²¹ She attended Denison University in Ohio, from which she graduated with a biology degree in 1946.²²

Albert was born March 21, 1923 in Shanghai, China, where his father, Willard W. Bartlett, was principal of the Shanghai American School.²³ An outbreak of cholera later the same year prompted Willard to send

¹⁴ Daily Camera, “Lu Monroe Leaves Active Role with Daily Camera.” March 3, 1970. Boulder Carnegie Library.

¹⁵ Daily Camera, November 15, 1976.

¹⁶ Daily Camera, March 3, 1970.

¹⁷ Daily Camera, December 5, 1968.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Daily Camera, November 15, 1976.

²¹ Daily Camera, “Obituaries: Eleanor Roberts Bartlett.” March 9, 2008. Boulder Carnegie Library.

²² Ibid.

²³ Historical Collections of the Great Lakes, “Allen Bartlett Collection: Biographical Sketch.” Bowling Green University, October, 1994. Boulder Carnegie Library clipping collection.

infant Albert and his mother, Marguerite Allen Bartlett, to the home of a relative in Franklin, Indiana.²⁴ Willard soon returned to the United States, where he held prominent administrative and teaching positions at several colleges, culminating with a position as professor and head of the Department of Education at Otterbein College, Westerville, Ohio.²⁵ Albert, having moved several times to follow his father's career, graduated high school in Ohio in 1940, and enrolled at Otterbein College later that year.²⁶ In 1942, he transferred to Colgate University, Hamilton, New York, and began to focus his studies on physics.²⁷ Albert spent his summers working on the Great Lakes iron ore freighters *Pontiac* and *Peter White*, and pursuing his interest in photography.²⁸ During the summer of 1943, he met Eleanor Roberts.²⁹

Upon graduating from Colgate College with a bachelor of physics degree in 1944, he obtained a position related to mass spectrometry as part of the Manhattan Project at the Los Alamos National Laboratory in New Mexico, which developed the atomic bomb.³⁰ He participated in the 1946 nuclear weapons tests at Bikini Atoll.³¹ On August 24 of that year he and Eleanor were wed, and the couple moved to Cambridge, Massachusetts, where she obtained a staff position at the Massachusetts Institute of Technology while Albert began his graduate studies at Harvard University.³² He obtained his master of physics degree from Harvard in 1948, followed by a doctorate in 1951.³³ While still completing his doctorate in 1950, he was hired to a position in the physics faculty at the University of Colorado, Boulder.³⁴ Eleanor, Albert, and their one year old daughter Caroline moved to Boulder in the summer of 1950.³⁵

Eleanor focused on raising daughters Caroline, Jane, Lois, and Nancy.³⁶ She was also a skilled cellist, playing in informal string quartets that met regularly at her home for over 20 years.³⁷

Albert Bartlett became a prominent member of the University of Colorado's physics faculty and won a number of national awards, including the American Association of Physics Teachers Distinguished Service Citation, the Robert A. Millikan Award and the Melba Newell Phillips Award³⁸. He also held two administrative positions with the university, serving on its Boulder Campus Planning Commission for 25 years and chairing the

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Daily Camera, March 9, 2008.

³⁰ Daily Camera, "Drawing the Line on Growth: Blue Line Activist Al Bartlett Helped keep Foothills Green." December 8, 2002. Boulder Carnegie Library.

³¹ Ibid.

³² Daily Camera, March 9, 2008.

³³ Historical Collections of the Great Lakes, 1994.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Daily Camera, March 9, 2008.

³⁷ Ibid.

³⁸ University of Colorado, Boulder. "CU-Boulder Campus Mourns Death of Longtime, Celebrated Physics Professor Al Bartlett." Web. <http://www.colorado.edu/today/2013/09/09/cu-boulder-campus-mourns-death-longtime-celebrated-physics-professor-al-bartlett>



Figure 9: Al Bartlett, 1987. Photo courtesy of Boulder Carnegie Library

committee which designed Duane Physical Laboratories Complex, home of the CU Physics and Astrophysical and Planetary Sciences departments.³⁹

Bartlett was highly influential in civic affairs; in 1959, he and fellow professor Bob McKelvey founded the movement to establish the Blue Line, a city charter regulation prohibiting city water service above about 5,750 feet in altitude, which serves to limit development in the foothills above town.⁴⁰ On the heels of that successful effort, Bartlett was one of the founders of People's League for Action Now, commonly known as PLAN--Boulder.⁴¹ PLAN—Boulder's original objective was to further limit growth by establishing an Open Space sales tax, which provided funds for city acquisition of open space outside the city itself.⁴² This effort succeeded in 1967, leading to the creation of the greenbelts, over 41,000 acres of preserved open space ringing the city of Boulder.⁴³

Bartlett also attained international notoriety with his famed lecture on growth, "Arithmetic, Population, and Energy."⁴⁴ In this lecture, with its memorable tagline, "The greatest shortcoming of the human race is our inability to understand the exponential function," Bartlett explained how seemingly small, continual rates of growth lead to vast gains over time causing massive demand on space and resources.⁴⁵ He argued that society's focus on perpetual growth as a positive goal will inevitably lead to overconsumption and disaster, no matter how small the rate of growth.⁴⁶ He therefore advocated complete sustainability by reaching a zero growth rate.⁴⁷ From his first presentation of this lecture in 1969, Bartlett went on to give the talk 1,741 times in forty-nine states and seven foreign countries.⁴⁸

Following his death of lymphoma on September 7, 2013, the university initiated a program wherein 50 volunteers were trained to continue delivering Bartlett's lecture.⁴⁹ Albert's wife

³⁹ Ibid.

⁴⁰ Talbott, Clint. "Drawing the Line on Growth: Blue Line Activist Al Bartlett Helped keep Foothills Green." Daily Camera, December 8, 2002. Boulder Carnegie Library.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ University of Colorado, Boulder.

⁴⁵ Al Bartlett, "Arithmetic, Population, and Energy." Al Bartlett.org. Web. http://www.albartlett.org/presentations/arithmettc_population_energy.html

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ University of Colorado, Boulder.

⁴⁹ Ibid.

Eleanor died on March 3, 2008.⁵⁰ Shortly after her death, Albert placed 2935 19th St. into the care of a family trust, which is the present applicant for landmark designation.

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 designating the building and property at 2935 19th Street, to be known as the **Tyler-Monroe-Bartlett Property**, 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 & 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.

⁵⁰ Daily Camera, March 9, 2008.

LANDMARKS BOARD ACTION:

On September 7th, 2016 the Landmarks Board voted 5-0 to recommend to City Council that the building and a lot at 2935 19th Street be designated as a local historic landmark, finding that it meets the standards for individual landmark designations in sections 9-11-1 and 9-11-2, B.R.C. 1981, and is consistent with the criteria specified in section 9-11-5(c), B.R.C. 1981.

ANALYSIS:

Criteria for Review

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

Staff and the Landmarks Board find that the designation of the house at 2935 19th St. will protect, enhance, and perpetuate a building reminiscent of a past era, past events, and persons 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 located at 2935 19th St. has historic significance under criteria 1, 2, 3, and 4.

1. Date of Construction: 1917

Elaboration: Well-preserved example of an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design.

2. Association with Persons or Events: Fred and Mae Tyler, Lucius and LaRue Monroe, and Albert and Eleanor Bartlett

Elaboration: Constructed in 1918 by local architect and builder Albert Lawrence for prominent Boulder citizens Fred and Mae Tyler. Fred owned and operated a stone quarry in Four Mile Canyon and likely procured the field stone for the house from this location. In 1941 the house was sold to Lucius and LaRue Monroe. Lucius began working at Boulder’s *Daily Camera* newspaper as a paperboy in 1918 and continued with the newspaper until 1970 when he retired as its publisher. LaRue was a prominent Boulder citizen involved in various civic organizations over the course of her life. In 1957, Albert and Eleanor Bartlett purchased the property. Noted University of Colorado physicist, Al Bartlett is credited with establishing Boulder’s Blue Line in the early 1960s and as the founder of PLAN--Boulder which established a sales tax for the acquisition and development of Boulder’s greenbelt in late 1960s.

3. Development of the Community: Meadow Lawn Park and Edgewood Subdivisions

Elaboration: This house is one of the earliest in the area. The neighborhood was developed primarily between 1953 and 1956. The house at 2935 19th St. is representative of the area’s rural character in the first half of the twentieth century.

- 4. Recognition by Authorities:** Well-preserved example of eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design. Recommended individually eligible for listing on the National Register of Historic Places by Front Range Research Associates, 1995.

ARCHITECTURAL SIGNIFICANCE:

Summary: The house at 2935 19th St. has architectural significance under criteria 1, 3, 4, and 5.

- 1. Recognized Period or Style:** Eclectic variant of the Italian Renaissance Revival
Elaboration: Well-preserved example of an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design. Recommended individually eligible for listing the National Register of Historic Places by Front Range Research Associates, 1995.
- 2. Architect or Builder of Prominence:** Albert Lawrence
Elaboration: This house was designed and built by local architect and builder Albert Lawrence.
- 3. Artistic Merit:** Eclectic variant of the Italian Renaissance Revival
Elaboration: This structure is a well-constructed, elegantly detailed, and highly intact example of an eclectic variant of the Italian Renaissance Revival with elements of the Prairie School of design.
- 4. Example of the Uncommon:** Use of local field stone likely sourced from Fred Tyler's quarry in Four Mile Canyon.
- 5. Indigenous Qualities:** Local field stone construction
Elaboration: Use of local field stone likely sourced from Fred Tyler's quarry in Four Mile Canyon.

B. Does the proposed application 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?

Staff finds that the proposed application would 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. The lot was subdivided in 2016, however, staff finds that the new property boundaries preserves the rural character of the lot. Staff believes that the application meets the environmental significance criteria for individual landmarks as outlined below:

ENVIRONMENTAL SIGNIFICANCE:

Summary: The building at 2935 19th St. has environmental significance under criteria 1, 2, 3, and 4.

- 1. Site Characteristics:** Expansive parcel with established vegetation.
Elaboration: 2935 19th St. is an unusually large lot with high quality landscaping featuring many mature trees.
- 2. Compatibility with Site:** Site Integration
Elaboration: House is well integrated into this large property which possesses large trees and mature vegetation.
- 3. Geographic Importance:** Familiar visual feature in north Boulder.
Elaboration: Recognized as one of the most prominent and distinctive properties in north Boulder.
- 4. Environmental Appropriateness:** House is well integrated into this large property which possesses large trees and mature vegetation.
- 5. Area Integrity:** None Observed
Elaboration: The property is surrounded by the Meadow Lawn Park and Edgewood subdivisions, which were primarily developed in the 1950s and 1960s. The property is not located in a designated or identified potential historic district.

Landmark Name:

Staff considers this landmark should be known as the Tyler-Monroe-Bartlett Property, after its builders and first residents Fred and Mae Tyler, noted newspaper man Lucius Paddock Monroe, and its longest residents, CU physics professor and growth expert Albert Bartlett and his wife, Eleanor. 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*. See *Attachment H: Guidelines for Names of Landmarked Structures and Sites.*

Boundary Analysis:

Following a recent subdivision, the building sits on a residential lot measuring 29,994 sq. ft. in size. Staff recommends that the boundary be established as proposed to follow the property lines of the lot, which is the boundary proposed by the applicant and is consistent with current and past practices and the National Register Guidelines for establishing landmark boundaries.



Figure 10: Proposed Landmark Boundary (dashed line).

OPTIONS:

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

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

- A: Ordinance 8148
- B: Sections 9-11-1 and 9-11-2, “*Purposes and Intent*,” B.R.C., 1981
- C: Significance Criteria for individual landmarks

ORDINANCE 8148

AN ORDINANCE DESIGNATING THE BUILDING AND THE PROPERTY AT 2935 19TH ST., CITY OF BOULDER, COLORADO, ALSO KNOWN AS THE TYLER-MONROE-BARTLETT PROPERTY, A LANDMARK UNDER CHAPTER 9-11, "HISTORIC PRESERVATION" B.R.C. 1981, AND SETTING FORTH DETAILS IN RELATION THERETO.

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

Section 1. The 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 June 3, 2016, property owner Nancy M. Bartlett, 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 7, 2016; and 3) on September 7, 2016, 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 18, 2016 and upon the basis of the presentations at that hearing finds that the building and the property at 2935 19th 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 around 1917, for its association with Fred and Mae Tyler, Lucius and LaRue Monroe, and Albert and Eleanor Bartlett; for its

1 development in the Meadow Lawn Park and Edgewood Subdivisions; and 2) its architectural
2 significance as an example of an eclectic variant of the Italian Renaissance Revival and its
3 association with local architect and builder Albert Lawrence; for its artistic merit and use of local
4 field stone; and 3) its environmental significance for its site characteristics with a large lot with
5 mature vegetation and trees; and as a familiar visual feature in north Boulder.

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

8 Section 6. There is hereby created as a landmark the building and property located at 2935
9 19th St., also known as the Tyler-Monroe-Bartlett Property, whose legal landmark boundary
10 encompasses the legal lots upon which it sits:

11 **JOS. WOLFF'S SUBDIVISION REPLAT A, LOT 18A**

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

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

16 Section 8. The City Council deems it appropriate that this ordinance be published by title
17 only and orders that copies of this ordinance be made available in the office of the City Clerk for
18 public inspection and acquisition.
19

20 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
21 ONLY THIS 4TH DAY OF OCTOBER, 2016.

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23 _____
24 Mayor
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Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY
TITLE ONLY THIS 18TH DAY OF OCTOBER, 2016.

Mayor

Attest:

City Clerk



Exhibit A – Landmark Boundary Map for 2935 19th St.

JOS. WOLFF'S SUBDIVISION REPLAT A, LOT 18A

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

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

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

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

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

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 4, 2016

AGENDA TITLE: Consideration of the following items relating to the 2017 Budget:

1. Public hearing on the proposed 2017 City of Boulder Budget; and
2. Introduction, first reading, and consideration of a motion to order published by title only an ordinance that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2017 and ending on the last day of December 2017, and setting forth details in relation thereto; and
3. Introduction, first reading, and consideration of a motion to order published by title only an ordinance that establishes the 2016 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 2017 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 an ordinance that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2017 fiscal year of the City of Boulder, commencing on the first day of January 2017, and ending on the last day of December 2017, and setting forth details in relation thereto; and
5. Introduction, first reading, and consideration of a motion to order published by title only an ordinance, 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 Eichen, Chief Financial Advisor
Cheryl Pattelli, Director of Finance and Risk Management
Peggy Bunzli, Executive Budget Officer
Mary Ann Weideman, Deputy City Manager

EXECUTIVE SUMMARY

This agenda item provides information for City Council consideration, in regard to the adoption of the 2017 budget and other related ordinances to appropriate city funds as presented in the [City Manager's 2017 Recommended Budget](#), for the 2017 fiscal year, and additional proposed funding for critical homelessness initiatives, as outlined below, as well as consideration of other additional funding options for homelessness and transportation.

The 2017 recommended budget was reviewed with City Council during the study session on Sept. 13, 2016¹. This memo contains additional information related to items discussed at that study session and provides responses to additional council questions pertaining to the 2017 recommended budget.

To facilitate council review of the 2017 recommended budget, staff has also prepared a single list of each change proposed for the budget that occurred after council received the 2017 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 2016 mill levy for the city to be collected in 2017 (unchanged from 2015) 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. 18, 2016, 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 2017 recommended budget, including additional funding related to critical homelessness issues.

¹ A summary of the 2017 recommended budget study session is included in the materials for the Oct. 4 City Council meeting (consent agenda).

- 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 2016 mill levy for collection in 2017. The following is the mill levy for 2016 (this is unchanged from 2015):

Mill Levy	11.981
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- Appropriation Ordinance (Attachment E)**
 This ordinance appropriates funds as stated in the budget ordinance for 2017.
- 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 2017 budget;
- Motion to introduce and order published by title only an ordinance establishing the property tax mill levy for 2016 to be collected in 2017;
- Motion to introduce and order published by title only an ordinance appropriating the 2017 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 2017 budget. This budget is based on the City Manager’s 2017 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 and in the work plans of all city departments.

BACKGROUND AND ADDITIONAL INFORMATION

The [Draft 2017-2022 Capital Improvement Program](#) (CIP) was reviewed with City Council during the study session on Aug. 9, 2016². A City Council study session on the 2017 recommended budget was held on Sept. 13, 2016. The following provides additional information and budget options related to funding for transportation safety and the Neighborhood Traffic Mitigation Program, and homelessness initiatives. Also included is information related to the city’s energy strategy, in response to council questions and feedback.

Attachment G provides additional information on the following items discussed at the Sept. 13 study session or in response to council feedback and questions received via hotline:

- Citywide consulting costs
- Planning, Housing and Sustainability (various topics)
- Alpine-Balsam and Civic Area work plan
- Code enforcement
- Potential ombudsman position
- Perception studies
- Living Wage - janitorial and landscape services
- Sales and use tax revenues
- Debt levels compared to other Front Range communities
- Financial reserves

Transportation Safety and the Neighborhood Traffic Mitigation Program (NTMP)

At the 2017 recommended budget Study Session on Sept. 13, 2016, City Council gave feedback on transportation safety and neighborhood traffic mitigation funding. Specifically, council requested that adequate resources be focused on transportation safety and for staff to return with options to address requests for mitigating traffic impacts on neighborhood streets.

Transportation Safety

The city of Boulder [Safe Streets Boulder – Toward Vision Zero](#), Transportation Master Plan (TMP) safety objective, is the city’s path to reducing/eliminating serious injury and fatal crashes. As a part of the work related to this, the most recent six years (2009 to 2014) of crash report data has been analyzed and strategies have been developed to reduce/eliminate serious injury and fatal crashes. This information has been compiled in the [Safe Streets Boulder Report](#). Data shows that over this time period there was an

² A [summary of the CIP study session](#) was included in the materials for the Sept. 6 City Council meeting (consent agenda). Additional information related to the CIP study session was provided in Attachment B to the [Sept. 13 Study Session memo](#).

average of 3,275 total crashes, including 60 serious injury and fatal crashes annually. Additional highlights of trends and areas of focus needed are available in the report.

Improving safety of the transportation system for all modes of travel is a primary focus of many city efforts, including:

- Safety enhancement projects
- The Safe Routes to School program
- Pedestrian crossing treatments
- Education and outreach programs

The city's comprehensive approach includes engineering, education, enforcement and evaluation strategies. Examples of specific work efforts included in the 2017 recommended budget are:

Engineering

- Traffic signal modifications including additional flashing yellow arrow displays and changes in phasing such as protected (red arrow) left turn phasing and advanced pedestrian timing in crosswalks
- Additional signing and striping which warns drivers to yield to bikes and pedestrians; warns cyclists to enter and traverse crosswalks at 8mph; warns pedestrians and cyclists to watch for motor vehicles before entering crosswalks; and seeks to minimize conflict at key right turn by-pass islands
- Additional green pavement marking at locations where conflicts between turning motor vehicles and bicycles in bike lanes have resulted in crashes
- Review of potential modifications to the City's signal operations practices to ensure alignment with TMP goals including "Towards Vision Zero".

Education

- Continuation of the Heads Up Boulder campaign to increase safety and awareness of crosswalk-related ordinances, common collision types, and user rights and responsibilities; focus on top locations for motor vehicle collisions involving bicyclists and pedestrians; creation of messages targeting key age and demographic groups; and prioritization of messaging in support of bicyclists knowing and complying with 8 miles per hour speed limit in crosswalks.
- Continuation of the Lighten Up Boulder program to remind bicyclists that riding at night without a light is illegal and unsafe, as well as offering reflective lights to pedestrians walking at night
- Continuation of support for the Bicycle Accessories and Safety Education (BASE) program, which was created by Community Cycles, with funding from the City of Boulder, to familiarize Earn a Bike program participants with Boulder's rules of the road and path
- Introduction of new messaging to raise awareness about the increased potential for motor vehicle collisions with bicyclists traveling against traffic on sidewalks and multi-use paths
- Introduction of new messaging to raise awareness of the dangers of traveling while impaired, whether driving, walking or biking

- Introduction of new messaging to raise awareness of common preventable motor vehicle driver collisions, such as rear ends in right-turn bypass lanes
- Development of a comprehensive Toward Vision Zero community engagement plan, including a communications plan
- Development of a Toward Vision Zero Community Advisory Group to assist with program implementation.

Enforcement

- As part of the Heads Up Boulder program, continuation of the partnership with the City of Boulder, CU-Boulder Police departments and the cycling community to conduct education and enforcement activities at high collision locations
- Investigation of creating a restorative justice curriculum for offenders of crosswalk-related ordinances to offer opportunity to further educate transportation users on the importance of traffic safety
- Work with Boulder Police Department and the Municipal Court to monitor effectiveness of enforcement, including the application of alternative sentencing such as restorative justice
- Work with the Boulder Police Department to address impaired person and red-light running collision trends and consider options including targeted enforcement and possible new red-light camera locations.

Evaluation

- The Safe Streets Boulder Report is a living document updated every three years. Evaluation of the effectiveness of mitigation identified and implemented from the prior Safe Streets Boulder Report will be used to determine the appropriateness of such mitigation in evaluations associated with future Safe Streets Boulder Reports.
- Evaluation of specific crash history trends such as bicyclist being hit by right turning vehicles and whether this is predominantly occurring with bicycles in bike lanes or bicycles on adjacent multi-use paths. This information will be used to determine whether current laws governing vehicles turning right adjacent to such facilities align with our TMP goals such as “Towards Vision Zero” and whether modifications to these laws should be considered.

Accelerated Implementation

Based on City Council feedback to maximize our safety efforts, staff has identified some key initiatives that could be accelerated:

- Impaired travel education/outreach/enforcement
- Left-turn signal phasing modifications (red arrow/flashing yellow arrow), and piloting left-turn red-arrow /pedestrian activation signal strategies
- Enhanced green bike pavement markings and associated warning signage
- Motorcycle travel education/outreach/enforcement.

Staff estimates additional one-time funds of \$150,000 would be needed to accelerate the implementation of the Toward Vision Zero efforts in these areas.

Neighborhood Traffic Mitigation Program (NTMP)

The staff recommendation included in the 2017 recommended budget is to continue the existing education and enforcement element of the NTMP (annual cost of \$610,000) and not restore funding for the engineering treatment element of the program, which was eliminated from the program in 2003, due to service reductions required by decreased revenue. Staff recommended not funding engineering treatments because it would require reallocation of the budget from higher priorities. At the Sept. 13 budget study session, City Council asked staff to return to the Oct. 4 first reading of the budget with additional funding options for the NTMP, for council consideration.

Transportation Advisory Board (TAB) feedback on options

The TAB is charged with working with individual residents, neighborhood groups, and transportation staff to develop and recommend criteria by which to guide neighborhood traffic mitigation projects. TAB recommended against funding NTMP engineering treatments at its review of the Transportation draft 2017-2022 Capital Improvement Program on June 13, 2016. Based on City Council interest in exploring options for NTMP engineering treatments, TAB will consider potential NTMP options at their next meeting, scheduled for Oct. 10. Staff will work with the Neighborhood Liaison to invite potentially interested community members to provide input. The TAB recommendation will be provided to council at the second reading of the budget on Oct. 18.

At its Oct. 10 meeting, TAB will consider the three options related to the NTMP, outlined below, along with potential supplemental funding for safety improvements.

Option #1 – enhanced education/enforcement

When engineer treatments were eliminated in 2003, the associated supporting staff position was also eliminated. One option would be to reinstitute a 0.5 Full Time Equivalent (FTE) position to enhance access to the education and enforcement elements of the program. This position would help neighborhoods with data collection, education (enhanced neighborhood speed kit, additional radar speed trailers) and enforcement. The estimated ongoing cost to do this would be \$75,000 (personnel (PE) costs of \$50,000 and non-personnel costs (NPE) of \$25,000).

Option #2 – restore prior program

Another option would be to reinstate the engineering treatment element of the program, based on adopted NTMP guidelines in place in 2003 that were created by the Transportation Advisory Board (TAB) and adopted by City Council. This would require adding an ongoing position (1.0 FTE) to implement/coordinate the program and an estimated \$150,000 in NPE ongoing to fund public processes, evaluations and to construct the engineering treatments. There are several considerations associated with this option. Existing NTMP guidelines will provide an immediate framework for evaluation and will allow staff to respond quickly to neighborhoods seeking engineering treatments. However, the current NTMP guidelines limit engineering treatments to roadways which meet speeding thresholds (an 85th Percentile speed of greater than 5 mph over the speed limit). Many residential streets would not meet these criteria and would not be eligible for engineering treatments. Based on speed data recently obtained,

this would include streets like Grape Avenue and Palo Parkway which have recently been active in seeking such treatments. Other concerns raised by the public previously when engineering treatments were being constructed as part of the NTMP include the bureaucracy of administering the current program (**Attachment H** shows the NTMP process flow chart); the balance of engineering treatment impacts to emergency response on critical emergency response routes versus neighborhood speed reduction benefit; and the decision-making process that the City uses to assess support from neighbors living near the new engineering treatments. It is anticipated that members of council and TAB would see these issues arise in the community again, should this program resume construction of engineering treatments on neighborhood streets. The estimated ongoing cost to restore the full program would be \$250,000 (PE costs of \$100,000 and NPE costs of \$150,000).

Option #3 –update program

A third option is to initiate a public engagement process to develop new NTMP guidelines which would include consideration of the appropriate use of engineering treatments. Staff would work with TAB to engage the public and develop a program which is responsive to the current community. This option would require adding a fixed-term position (1.0 FTE) to coordinate the program development. It is anticipated that the majority of work in 2017 would be the development of the new program and the beginning of public engagement with high priority neighborhoods. In this option, engineering treatments would be constructed no sooner than 2018. Required associated support resources would be determined through the program development process and incorporated into the 2018 budget. This option would result in a slower response to existing concerns in the community about speeding on neighborhood streets. It would allow the development of a program which considered issues identified in the prior program such as an appropriate speeding threshold for mitigation; an appropriate balance between speed reduction on neighborhood streets and emergency response impacts on critical emergency response routes; the overall bureaucracy and timeliness of program implementation; and the assessment of neighborhood support for specific mitigation. The estimated starting cost to update the program would be \$100,000 (one-time PE costs of \$100,000 and ongoing costs to be determined).

Potential Supplemental Funding for Traffic Safety Improvements

One-time funding from the General Fund of \$250,000 could be added to the 2017 recommended budget to assist in accelerating the implementation of transportation safety initiatives and with the start up of NTMP enhancements. Ongoing funding would require eliminating and/or reducing other services currently provided in transportation.

Below is a table summarizing the estimated costs of the traffic safety and NTMP budget options outlined above.

[These have not been included in the revised 2017 Recommended Budget and attached budget ordinances. They are presented here for council consideration of additional funding options.]

2017 Funding Options		
Item	One-time	Ongoing
Safety		
Accelerate Implementation	\$150,000	\$0
NTMP		
Option #1 – enhanced education/enforcement	\$0*	\$75,000 (0.5 FTE)
Option #2 – restore prior program	\$0*	\$250,000 (1.0 FTE)
Option #3 – update program	\$ 100,000 (1.0 FTE fixed term)	\$TBD
* Note: One-time funding in 2017 could be used for the first year		

At the Sept. 13 budget study session, City Council asked about transportation funding priorities and the potential impacts/tradeoffs of restoring engineering treatments in the NTMP. Examples of specific projects that would not have been built in 2016 if engineering treatments were funded (\$250,000) are provided below:

- 10 Blocks of Street Overlay (Priority 1)
- Three (3) Pedestrian/Bicycle Bridge Reconstructed/Decking replaced (Priority 1)
- Frontier Avenue Bridge reconstruction (Priority 1)
- Yarmouth Avenue (16th to 19th Street) sidewalk missing link (Priority 2)
- Boulder Creek/South Boulder Creek Confluence/Gunbarrel multi-use path (Priority 2)

Note: Priority 1 – safety/operation/maintenance, Priority 2 – complete streets/multimodal enhancement

Homelessness Issues

In response to direction received from council at the Sept. 13, 2016 Budget Study Session, staff has amended the previous budget proposal to address critical homelessness issues. The revised 2017 Recommended Budget includes one-time funding from the Human Services Fund Reserve of up to \$300,000 as follows:

- Bridge funding for the continuation of day and night sheltering, and day services to meet overflow demand from Jan.1 to April 30, 2017 (up to \$150,000, revised from \$89,600 based on additional information from service providers); and
- Expansion of short-term emergency rental assistance for families (up to \$150,000).

The amended proposal includes the following additional funding options of up to \$500,000 from the General Fund for council consideration:

- Funding to support the Working Group plan development and contingency funds to implement approved Working Group recommendations for 2017 (up to \$250,000); and
- City-wide homeless coordination, planning, analysis and project support (up to \$250,000, including 2.0 FTE).

As was noted in the Sept. 13 study session, \$1.9 million in funds are currently available for a potential future capital project for a permanent Day Services Center/Day shelter and possible housing project. Additional information will be brought forward to council as opportunities are identified and appropriate funds can then be allocated, based on a more refined project scope and associated cost estimates.

Finally, the mobile integrated health vehicle pilot has been removed from the proposed budget for additional study. Staff will work with partners to determine the feasibility of a collaborative model, and come back to council with an update at a later date.

A summary table of proposed and potential options can be found on p.12. Details of each option are provided below.

One-Time Funding from the Human Services Fund (HSF) Reserve - up to \$300,000 (this has been revised from the original proposal of \$239,600, based on budget figures received from service providers)

[Included in the revised 2017 Recommended Budget and attached budget ordinances]

One-time funding from the Human Services Fund reserve is proposed to fund projects related to the 2016-17 sheltering season for adults and families. For adults, these funds are to maintain day shelter and night-time overflow services from January through April, while the Homelessness Working Group (Working Group) determines the future system for emergency day and night sheltering and services.

For families, this funding provides additional emergency rental assistance to prevent eviction and homelessness for 2017.

The current balance of the Human Services Fund reserve is \$1,246,244. The intent of the reserve, established in 1992, was to provide transitional funding for community organizations should the .15 dedicated sales tax sunset in 2012, without renewal. In 2009, a ballot initiative passed extending the tax without sunset or restriction. Some portion of this funding could be used for one-time funding for human services purposes such as those identified below. If the total amount requested of \$300,000 is approved for 2017, the remaining balance of will be \$946,244.

1. Emergency Adult Services Funding - Jan. 1 through April 30, 2017 – up to \$150,000 (revised, see note above.)

A working group will be convened to develop options and recommendations for sustainable integrated services and sheltering plan and develop housing targets for the future. The working group will commence by the end of September and is anticipated to have recommendations completed by April 30, 2017.

In the interim, this proposed one-time funding is to continue emergency day shelter, day services and night overflow from Jan. 1 through April 30, 2017, as a funding bridge, until the Working Group plan is completed. Approximate budget numbers were provided by the service providers. These funds would be allocated in partnership with the Working Group members (including the service providers) and would be used for the following purposes:

- Winter Overflow/Night Shelter funding gap (Jan. 1, 2016-April 30, 2016) - Boulder Outreach for Homeless Overflow (BOHO) has been providing winter overflow sheltering for adults at faith-based sites in Boulder; however, recent financial challenges make the continuation of these services from BOHO for the Jan., to May 2017 season uncertain. Another provider, such as Boulder Shelter for the Homeless (BSH), may need to take over these services.
- Day Shelter/Resource Center funding gap for Bridge House (Jan. 1, 2016-April 30, 2016).
- Faith Community Support - Faith community sites play a vital role in supporting day shelter and winter overnight shelter. Funding is included to reimburse some extraordinary expenses associated with services provided.

2. *EFAA - Family Homelessness Prevention - \$150,000 (no change)*

Funds are proposed for one-time additional funding to supplement current Human Services Fund dollars to the Emergency Family Assistance Association (EFAA) to expand short-term emergency rental assistance to prevent family eviction. While shelter options to meet the needs of homeless families are important, new facilities take time and significant resources to bring on line. A more efficient way to address and mitigate family homelessness is through prevention resources. Emergency rental assistance has proven effective in keeping families in their homes, avoiding eviction and dislocation and trauma to children.

This funding would focus on short-term assistance for families with children at high risk for losing their housing. EFAA currently reaches 200 families with children in the City of Boulder with one-time rental assistance (about \$500 per family). This funding would expand that to reach an additional 90 families and provide for a second monthly payment. The second payment would be conditional on a set of accountability measures ensuring that a priority set of children's outcomes are achieved (e.g., medical and dental check-up, enrollment in SNAP food assistance and other programs if eligible, school attendance, etc.). EFAA would provide an initial assessment of family circumstances and needs and link families to additional community resources (County programs and other non-profit services). The City of Boulder would contribute \$150,000, allowing for an additional 90 families to enter EFAA's current rental assistance program and 195 to receive a second rental assistance payment, providing a level of stability not currently available to them. This funding would leverage public and private funding, and EFAA's existing institutional capacity and experience in working in this area. This funding would complement current Boulder County programs such as the Housing Stabilization Program, which provide emergency assistance and rapid rehousing for families who are homeless or at risk for homelessness.

This one-time funding would serve as a pilot for measuring success of expanding family rental assistance and a basis for potential continued funding to meet the homelessness prevention goal in the draft Homelessness Strategy:

4.a. Support city and regional programs that help people out of poverty, including affordable housing programs, eviction prevention, skills training and development, and temporary financial assistance programs.

2016 Human Services Fund (HSF) funding for EFAA (\$125,000) supports basic needs including financial assistance, food, short-term housing, transitional housing and case management. The additional amount proposed will fund family homelessness prevention. The amount of funding for EFAA from Boulder County in 2016 is \$208,000.

One-time Funding from the General Fund – up to \$250,000 (this has been revised upward from the original proposal of \$80,000 to provide greater flexibility and ability to respond to emerging needs)

[Not included in the revised 2017 Recommended Budget and attached budget ordinances – presented here as an option for council consideration of additional funding]

One-time flexible funding is proposed for 2017 to support the Working Group facilitation and plan development, and service agency contingency funds, for services and operating needs identified for 2017 as they emerge from the Working Group recommendations and are approved by council. This funding, intended as a placeholder for 2017, would be available for immediate arising needs. Identified ongoing funding recommendations would be included in the 2018 budget development process.

Ongoing General Fund - up to \$250,000 for 2.0 FTE in personnel (PE) and associated non-personnel (NPE) costs (this has been revised downward from the original proposal of 3.0 FTE and \$326,405)

[Not included in the revised 2017 Recommended Budget and attached budget ordinances – presented here as an option for council consideration of additional funding]

The work plan for homelessness related projects has expanded significantly over the past five years. Obtaining resources for staffing and non-personnel has been accomplished through use of staff vacancy savings and re-allocations from other areas of the department. The Homelessness Strategy and Action Plan anticipate the need for ongoing city-wide homelessness coordination, community support, planning and expanded projects.

Funding is proposed for 2.0 Full Time Equivalent (FTE) positions and associated NPE:

1. Homeless Services Manager – 1.0 FTE

This dedicated position would manage and coordinate city homelessness strategy and projects and would allow better community coordination and communication, currently covered by portions of four different positions, none of which is dedicated full-time to homeless programs and projects. This position would not be providing direct services or duplicating the work of service providers, but providing coordination and a support role for providers, other departments and the community.

Key responsibilities and work plan would include:

- Serve as the city's primary point of contact for homelessness issues. Provide

public and community information related to homelessness. Represent the City of Boulder on homelessness issues in the community, with the media, and partners and stakeholders

- Partner with local service providers and stakeholders in planning for services and responding to community needs and issues
- Implement the City of Boulder Homelessness Strategy and Action Plan; update and report progress on the plan
- Coordinate, with service providers and community partners, ongoing work to develop an integrated, coordinated services delivery system, improve the system of services, and identify and develop resources and partnerships
- Coordinate Working Group and lead implementation of city initiatives resulting from recommendations
- Develop and implement community education and outreach related to homelessness; set city targets for the community dashboard and track progress for addressing homelessness
- Coordinate work plan with the County Ten Year Plan Board; serve on the Board as a city representative, including county-wide planning for housing and Consortium of Cities PSH study implementation
- Work with other city departments (Police Department, Municipal Court, Housing Division) to coordinate city efforts (High Utilizer Project, HOT team, enforcement, Housing funding and projects)
- Coordinate regional partnerships to address services and housing, including regional coordinated entry with the Metro Denver Homeless Initiative (MDHI) and the annual Point in Time Survey, Consortium of Cities and Metro Mayors Caucus landlord recruitment initiative.

2. *Department Analyst – 1.0 FTE*

This position will coordinate and develop data analytics, metrics, outcomes development and reporting department-wide.

Key responsibilities and work plan would include:

- Develop indicators, metrics, and data collection methods related to the homelessness work plan; develop community homelessness dashboard; report on progress
- Coordinate data collection and analytics with the Boulder County and homeless service agencies
- Develop community funding outcomes and indicators, city dashboard metrics and grant analytics to report on community funding investments and outcomes (Human Services Fund and Youth Opportunities Fund)
- Coordinate community measures and outcomes with funding partners and service providers
- Develop Human Services Strategy metrics and outcomes and analyze and report on progress in Strategy goals
- Provide research and analytics on a wide range of human services, social welfare and community issues, including trend analysis for future planning
- Provide data and analytic support for the Human Relations Commission work plan

- Develop reports to the community on social welfare, community relations and human services issues.

Total proposed PE costs are \$214,762. Proposed associated NPE includes \$7,500 per FTE. Additional NPE funding of \$20,000 to support the work program is also requested, bringing the total amount of NPE for work program support to \$35,000.

Staffing in the Human Services department has decreased over time. During the 2015 budget study session, departments were asked to provide information on FTE changes from 2008 to present. In 2008, there were 43.27 FTE budgeted in Human Services. In 2017, there are 33.05 FTE budgeted, representing a decrease of 24 percent. Most of this reduction is due to programs which have been transferred from the department to other community providers. During this same time, other areas of work have expanded including a significant homelessness work plan. If the two positions requested are included in the 2017 budget, total FTE in Human Services for 2017 will be 35.05, a 19 percent decrease from the 2008 budget. The table below shows FTE levels in the human Services Department from 2008 to 2017 (recommended). Work plan trade-offs would need to be considered without additional staffing resources.

Human Services Department FTE 2008-2017

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	% change from 2008
Total	43.27	43.45	42.36	40.42	33.88	35.49	37.41	37.19	37.15	33.05	-24%

The Chart below summarizes the proposed funding for the homelessness initiatives described in above. This chart represents a net reduction of \$231,205 from the original proposal, including \$76,405 lower ongoing funding and \$155,400 lower one-time funding. While a net reduction over the original proposal, the revised proposal includes increased one-time service agency contingency funding for operating costs and Working Group recommendations of \$160,400, for 2017.

Summary of Proposed Funding

<i>One-Time Funding</i>			
Agency	Purpose	HSF Reserve	General Fund
BSH/BH	Emergency Services Gap – Jan – April, 2017	\$150,000	
EFAA	Family Emergency Rental Assistance	\$150,000	
	<i>The above funding is included in the revised 2017 Recommended Budget and attached ordinance.</i>		
Working Group and Services Contingency Fund	Working Group facilitation; Potential funding for implementation of approved services plan for 2017		\$250,000
	<i>This funding is provided as an option for council consideration of additional funding for 2017</i>		
	One-Time Sub Total	\$300,000	\$250,000

<i>On-Going Funding</i>			
	Purpose	HSF Reserve	General Fund
Human Services	Staffing costs		\$250,000
	<i>This funding is provided as an option for council consideration of additional funding for 2017</i>		
	Ongoing Sub Total		\$250,000
		HSF Reserve	General Fund
		\$300,000	\$ 500,000
		Total	

Staff Recommendation: Fund proposed budget options at revised recommended levels identified in the chart above.

Potential Municipal Electric Utility

At the Sept. 13 Study Session, council asked for clarification of the City Manager’s (general fund) contingency budget and proposed spending for the Energy Strategy and Electric Utility Development project. The information below provides details related to the project’s focus and expenses anticipated in 2017 from the \$1 million City Manager contingency budget.

The 2017 recommended budget supports legal actions and transition costs necessary to launch and operate an electric utility. In 2017, the project will focus on Colorado Public Utilities Commission (PUC) litigation work for the transfer of assets and transition plan, condemnation, Federal Energy Regulatory Commission (FERC) proceedings and continued implementation of the transition work plan. This work represents a substantial amount of resources for the Energy Future project, however no significant expenditures will be made until after a decision is made at the PUC on the transfer of assets case. The city also continues to engage in discussions with Xcel Energy about a possible settlement to ongoing litigation related to the city’s efforts to operate an electric utility within the city. The PUC decision and continued settlement discussions with Xcel Energy will inform next steps in the process and will ultimately determine which path the city will take in pursuing its energy future goals.

The recommended budget and associated planned expenditures are designed to allow for flexibility in the hiring and expenditure of resources and the uncertain timing of legal and regulatory proceedings. The Utility Occupation Tax provides the primary source of funding for the municipalization project and the associated 2017 recommended budget is outlined in the [Sept. 13 Study Session memo](#).

\$1 Million Contingency Budget

In addition to the Utility Occupation Tax, in 2015 and 2016, City Council approved a \$1 million (general fund) contingency budget in the City Manager’s Office to help supplement the Energy Future budget for staffing and additional unplanned litigation and transition expenses that were not part of the original feasibility and formation budget.

To date, the contingency budget has funded the following key positions: Energy Strategy Coordinator (1.0 FTE), Energy Sustainability Coordinator (0.5 FTE) and an Electrical Engineer (1.0 FTE). The Energy Strategy Coordinator and Energy Sustainability Coordinator positions (1.5 FTE) were previously funded through the Climate Action Plan (CAP) tax and were not anticipated, nor planned for, in the Utility Occupation Tax funded work plan. These positions have provided key support in the following areas: technical assistance and analysis on complex modeling to support the city's energy strategy, including financial and energy resource feasibility modeling and the development of the financial forecast; engineering research on existing electric utility infrastructure; engineering research on electric utility related plans, policies, procedures, codes, standards and systems; electric vehicle (EV) strategy; solar/EV discount program; energy services and PUC support. Council also approved funding for additional FTEs in 2015 and 2016 out of the contingency budget, but due to timing and uncertainties of the PUC transfer of assets case, the city has deferred the hiring of these FTEs to 2017.

The city has been conservative in managing the project budget and has been careful to only spend what is needed out of the \$1 million contingency fund. Due to the deferred hiring of new FTEs, the 2015 contingency actual expenditures were below what was approved by council (approved \$277,276, actual expenditures \$134,709), and the projected expenditures in 2016 are expected to be less than originally planned.

The proposed 2017 contingency funding is consistent with the contingency budget approved by council in 2015 and 2016. The 2017 recommended allocations from the contingency budget includes \$407,439 to fund key staffing positions (4.5 FTE) and an allocation of \$526,108 to help fund next step litigation of various electric utility formation issues including initial transition work for customer billing (\$100,000); a second filing at the PUC for approval of a transition plan (\$275,108); and \$151,000 contingency for a potential FERC filing (\$261,000 is set aside in the Utility Occupation Tax budget for the FERC filing, and the \$151,000 is additional contingency).

The proposed funding for 2017 staffing positions include the continuation of the key positions (2.5 FTE) that were approved in the 2015 and 2016 contingency budget, and two new FTEs (Energy Resource Specialist and Energy Financial and Regulatory Analyst). The new FTEs will provide technical assistance and analysis on local energy generation initiatives and support in Boulder's overall energy resource development and financial analysis to support electric rates and pricing for services.

All of the above general fund expenditures tied to litigation (PUC transition plan filing and FERC), transition plan consultants (\$100,000) and the proposed 2.0 new FTE positions will not be spent until after a positive PUC decision on the transfer of assets case.

The projected uses are summarized in the table below.

2017 PROJECTED USES (\$1M CM CONTINGENCY)

Staffing*

Existing FTE:

- Energy Strategy Coordinator (1.0 FTE)
- Energy Sustainability Coordinator (0.5 FTE)
- Electrical Engineer (1.0 FTE) \$239,476

New FTE

- Energy Financial and Regulatory Analyst (1.0 FTE)
- Energy Resource Specialist (1.0 FTE) \$167,963

Staffing Total \$407,439

Litigation

Consulting and Contract Services - Legal and Regulatory:

- Transition Work for Customer Billing \$100,000
- Colorado PUC – Transition Plan \$275,108
- Federal Energy Regulatory Commission – Stranded Cost \$151,000

Litigation Total \$526,108

TOTAL \$933,547

*Staffing costs include salary and benefits

Recognizing the uncertainties with the timing and outcomes of the regulatory and legal processes, proposed allocation from the contingency budget is structured in a way that allows the city to prepare and respond to the actions of the courts and regulatory agencies. Expenditures will continue to be monitored throughout 2017, with much of the spending anticipated in support of next step litigation actions to occur in the last two quarters of 2017, depending on the outcome of the PUC transfer of assets case. If work efforts do not progress as planned, these expenditures would be delayed and may not occur in 2017.

Conclusion

The strategy that best positions the City of Boulder to achieve success in creating a local electric utility is the 2017 recommended budget presented to council on Sept. 13, 2016. Staff will be mindful of general fund spending in support of this project and will continue to provide quarterly updates to the community and council on spending related to work plan activities. Staff will review any decisions regarding expenditures from the contingency budget with the City Manager.

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:

- [2017 Recommended Budget;](#)
- [2017-2022 Draft Capital Improvements Program;](#)
- [Sept. 13 Budget study session memo;](#)

[Additional materials relating to homelessness initiatives for the Sept. 13 Budget study session](#);
[Additional materials relating to items not recommended for funding in the 2017 Budget Video of Sept. 13 Budget study session](#) (choose date from list);
[2016 Budget \(current year\)](#);
[Past budgets](#).

PUBLIC FEEDBACK

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

NEXT STEPS

- Tuesday, Oct. 18 - Public hearing and second reading of the 2017 City of Boulder budget ordinances; General Improvement District budget resolutions.
- Tuesday, Nov. 1 - Third reading of the 2017 City of Boulder budget ordinances (if needed).

ATTACHMENTS

- Attachment A** Budget Changes document, logging changes proposed to the 2017 Recommended Budget and Draft 2017-2022 CIP since publication
- Attachment B** Fund Activity Summary that reflects the impact of 2017 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 2017
- Attachment D** A proposed ordinance establishing 2016 City of Boulder property tax mill levy
- Attachment E** A proposed ordinance appropriating the 2017 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 2017 Recommended Budget
- Attachment H** NTMP process flowchart

Attachment A: Changes to Recommended Budget Documents since Published

Item	Recommended Budget Document Change Description	Document	Section(s)	Page(s)
1	Correct FTE change for Energy Code Specialist Position from P&DS Fund from 0.50 to 0.75 in tables (correct numbers are already included in total FTE and Department FTE count)	2017 Recommended Budget	Attachment A and B; Department Overviews	Pages xxxv, xliii, 212
2	Remove first sentence of note under Library Fund Financial that implied that 2015 Charter changes created the new Library Fund. The creation of the fund was administrative in nature to reflect changes to the Library Commission's roles and responsibilities in the charter.	2017 Recommended Budget	Fund Financials	258
3	Incorporation of \$300,000 for homelessness initiatives funded out of Human Service Reserves	2017 Recommended Budget	Attachment A and B; Sources and Uses; Department Overviews; Fund Financials	xxxii, xxxix, 53, 55, 71, 72, 75, 76, 150, 152, 153, 234, 235
4	Break out City Clerk from Communications and give it its own department section.	2017 Recommended Budget	Department Overviews	111-116
5	Movement of 1.0 FTE Chief Financial Advisor position from Finance Department to City Manager's Office	2017 Recommended Budget	Sources and Uses, Department Overviews, Fund Financials	74, 76, 104, 108, 109, 129, 130, 131, 132, 233, 234
6	Addition of \$74,413 in 2017 grant revenue in the Library Fund (this is an adjustment to revenue only)	2017 Recommended Budget	Sources and Uses, Fund Financials	57, 58, 67, 258
7	Addition of \$200,000 in 2016 Revised Revenues in 0.25 Cent Sales Tax Fund for Tree Debris to Opportunity Grant (this is an adjustment to revenue only - revenue inadvertently omitted in 2016 figures)	2017 Recommended Budget	Sources and Uses, Fund Financials	65, 238
8	Correct Transprotation Fund Emergency/Stabilization Policy language to reflect 5 percent operating reserve rather than a flat \$475,000.	2017 Recommended Budget	Budget Policies	50
9	Correct transposition of budgeted amounts(\$210,900 and \$213,900) for Central Boulder Long-Term Planning - Civic Area East Bookend Planning and Central Boulder Long-Term Planning - Alpine Balsam Site Planning.	2017 Recommended Budget	Attachment A and B; Department Overviews.	xxxiv, 197

Item	Draft CIP Change Description	Document	Section(s)	Page(s)
1	DET/Impact Fees - Table 7-1: The total amount for all departments in 2017 should be \$2,730,000	Draft 2017-2022 CIP	Special Highlight: Development Excise Tax and Impact Fees	81

ACTIVITY BY FUND (in thousands)

Fund Title	Projected Fund Balance 1/1/2017	Estimated Revenues Including Transfers In	Appropriations Including Transfers Out	Projected Fund Balance 12/31/2017	Projected Changes in Fund Balance
1100 General	36,325	138,076	139,056	35,345	-980
2180 .25 Cent Sales Tax	2,743	8,955	8,432	3,267	524
2140 Affordable Housing	623	1,910	1,738	795	172
2700 Airport	1,444	604	432	1,616	172
2830 Boulder Junction Access GID TDM	58	311	188	181	123
6800 Boulder Junction GID Parking	406	212	466	152	-254
3500 Boulder Junction Improvement	535	644	959	220	-315
2100 Capital Development	11,630	2,595	2,207	12,018	388
2400 Climate Action Plan	74	1,839	1,829	83	10
2910 Community Development Block Grant (CDBG)	0	650	650	0	0
1150 Community Housing Assistance Program	506	2,652	3,126	32	-474
7190 Compensated Absences	1,771	858	983	1,646	-125
7300 Computer Replacement	7,854	2,231	2,315	7,771	-83
6400 Downtown Commercial District	4,362	8,977	7,333	6,006	1,644
7400 Equipment Replacement	6,244	1,179	520	6,903	660
7500 Facility Renovation and Replacement	5,743	3,279	4,123	4,899	-844
7210 Fleet Operations and Replacement	15,310	10,034	7,693	17,651	2,341
2920 HOME Investment Partnership Grant	0	825	825	0	0
2200 Library	992	1,362	1,411	943	-49
2110 Lottery	2,404	1,007	1,557	1,854	-550
2500 Open Space and Mountain Parks	10,643	36,386	34,949	12,081	1,437
3300 Permanent Parks and Recreation	888	2,844	3,231	500	-388
2120 Planning and Development Services	5,619	11,057	12,351	4,325	-1,294
7110 Property and Casualty Insurance	5,192	1,895	2,394	4,693	-499
2300 Recreation Activity	2,093	10,737	10,919	1,911	-181
6300 Stormwater/Flood Management Utility	11,606	11,689	13,245	10,050	-1,556
7100 Telecommunications	1,634	722	549	1,808	173
2820 Transit Pass GID	16	16	16	15	-1
2800 Transportation	4,733	35,396	36,101	4,029	-705
2810 Transportation Development	2,544	861	1,545	1,860	-684
6500 University Hill Commercial District	770	601	656	715	-55
6200 Wastewater Utility	8,170	21,419	23,443	6,146	-2,024
6100 Water Utility	29,030	32,424	34,565	26,889	-2,141
7120 Worker's Compensation Insurance	2,352	1,763	1,748	2,367	15
Totals	184,314	356,010	361,554	178,770	-5,544

Note:

The table above reflects the impact of the 2017 budget, including estimated revenues (with transfers in) and appropriations (with transfers out), on projected unreserved fund balance.

ORDINANCE 8144

AN ORDINANCE ADOPTING A BUDGET FOR THE CITY OF BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2017 AND ENDING ON THE LAST DAY OF DECEMBER 2017 AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City Manager has submitted a recommended budget for fiscal year 2017 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 2017 BUDGET IS HEREBY ADOPTED:

Section 1. That estimated expenditures for fiscal year 2017 are as follows (excludes carryover and the General Improvement Districts):

General Operating Fund	\$ 139,055,894
.25 Cent Sales Tax Fund	8,431,714
Affordable Housing Fund	1,737,774
Airport Fund	432,040
Boulder Junction Improvement Fund	958,724
Capital Development Fund	2,206,700
Climate Action Plan Fund	1,828,900
Community Development Block Grant (CDBG) Fund	650,324
Community Housing Assistance Program Fund	3,125,866
Compensated Absences Fund	982,875
Computer Replacement Fund	2,314,707
Equipment Replacement Fund	519,582
Facility Renovation and Replacement Fund	4,122,522
Fleet Operations and Replacement Fund	7,693,346

1	HOME Investment Partnership Grant Fund	825,194
2	Library Fund	1,411,278
3	Lottery Fund	1,557,342
4	Open Space Fund	34,948,528
5	Permanent Parks and Recreation Fund	3,231,303
6	Planning and Development Services Fund	12,351,238
7	Property and Casualty Insurance Fund	2,394,170
8	Recreation Activity Fund	10,918,674
9	Stormwater/Flood Management Utility Fund	13,245,203
10	Telecommunications Fund	548,780
11	Transportation Fund	36,101,318
12	Transportation Development Fund	1,545,109
13	Wastewater Utility Fund	23,443,164
14	Water Utility Fund	34,564,584
15	Worker's Compensation Insurance Fund	1,748,192
16	Less: Interfund Transfers	(12,676,833)
17	Less: Internal Service Fund Charges	(19,847,250)
18	TOTAL (Including Debt Service)	\$ 320,370,962

Section 2. That estimated carryover funds from fiscal year 2016 are as follows

(excludes General Improvement Districts):

19	General Operating Fund	\$ 7,000,000
20	.25 Cent Sales Tax Fund	1,800,000
21	2011 Capital Improvement Bond Fund	292,000
22	Affordable Housing Fund	7,500,000
23	Airport Fund	10,000
24	Boulder Junction Improvement Fund	2,500,000
25	Capital Development Fund	500,000
26	Climate Action Plan Fund	400,000
27	Community Development Block Grant (CDBG) Fund	1,300,000
	Community Housing Assistance Program Fund	4,500,000
	Equipment Replacement Fund	250,000

1	Facility Renovation and Replacement Fund	5,500,000
2	Fleet Operations and Replacement Fund	850,000
3	HOME Investment Partnership Grant Fund	1,500,000
4	Lottery Fund	1,103,073
5	Open Space Fund	25,766,943
6	Permanent Parks and Recreation Fund	400,000
7	Planning and Development Services Fund	1,500,000
8	Stormwater/Flood Management Utility Fund	12,000,000
9	Transportation Fund	27,000,000
10	Transportation Development Fund	2,800,000
11	Wastewater Utility Fund	9,000,000
12	Water Utility Fund	14,000,000
13	TOTAL	\$ 127,472,016

Section 3. That estimated revenues and fund balances available for fiscal year 2017

to fund the above expenditures are as follows (excludes carryover and General Improvement Districts):

14	Taxes	\$ 190,329,926
15	Charges for Services	74,124,783
16	License Fees and Fines	20,936,681
17	Internal Service Fund Charges	20,374,694
18	Intergovernmental and Grants	14,780,916
19	Transfers-In	8,234,160
20	Interest/Lease/Rent	4,714,078
21	Other Revenue	2,103,243
22	Sale of Goods and Capital Assets	583,384
23	Plus: Fund Balance	12,797,951
24	Less: Transfers-In	(8,234,160)
25	Less: Internal Service Fund Charges	(20,374,694)
26	TOTAL	\$ 320,370,962

ORDINANCE 8145

AN ORDINANCE ESTABLISHING THE 2016 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 2017 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER DURING THE FISCAL YEAR 2017 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 2017, the City Council has determined that for the year of 2016, the proper mill levy, which shall be collected in 2017 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

1 WHEREAS, in line with those guidelines, no mill levy credit remains, and a total of
 2 11.981 mills is to be assessed upon each dollar of assessed valuation of all taxable
 3 property with the City.

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

6 Section 1. For the purpose of maintaining funds to defray the general expenses of
 7 the City of Boulder, Colorado, during the fiscal year of the City commencing at 12:00
 8 Midnight at the end of December 31, 2016, and ending at 12:00 Midnight at the end of
 9 December 31, 2017, there is hereby levied for the year of 2016 to be collected in 2017 a
 10 tax of 11.981 mills upon each dollar of the total assessed valuation of all taxable property
 11 within the City of Boulder, Colorado. The levy includes the following components:
 12

13	GENERAL CITY OPERATIONS	8.748
14	PERMANENT PARKS FUND (Charter Sec. 161)	.900
15	LIBRARY FUND (Charter Sec. 165)	<u>.333</u>
16	TOTAL	9.981
17	GENERAL CITY OPERATIONS (PUBLIC SAFETY)	<u>2.000</u>
18	NET MILL LEVY	11.981

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

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

24 Section 4. Pursuant to Section 18 of the Charter of the City of Boulder, this
 25 ordinance shall take effect immediately upon publication after final passage.
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED

BY TITLE ONLY this 4th day of October, 2016.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED

PUBLISHED BY TITLE ONLY this 18th day of October, 2016.

Mayor

Attest:

City Clerk

ORDINANCE 8146

AN ORDINANCE APPROPRIATING MONEY TO DEFRAID EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2017 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2017, AND ENDING ON THE LAST DAY OF DECEMBER 2017, AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the City Council has approved a motion to adopt the budget for 2017; 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, 2016 and ending at 12:00 Midnight at the end of December 31, 2017, for payment of 2017 City operating expenses, capital improvements, and general obligation and interest payments:

General Operating Fund	\$ 139,055,894
.25 Cent Sales Tax Fund	8,431,714
Affordable Housing Fund	1,737,774
Airport Fund	432,040
Boulder Junction Improvement Fund	958,724

1	Capital Development Fund	2,206,700
2	Climate Action Plan Fund	1,828,900
3	Community Development Block Grant (CDBG) Fund	650,324
4	Community Housing Assistance Program Fund	3,125,866
5	Compensated Absences Fund	982,875
6	Computer Replacement Fund	2,314,707
7	Equipment Replacement Fund	519,582
8	Facility Renovation and Replacement Fund	4,122,522
9	Fleet Operations and Replacement Fund	7,693,346
10	HOME Investment Partnership Grant Fund	825,194
11	Library Fund	1,411,278
12	Lottery Fund	1,557,342
13	Open Space Fund	34,948,528
14	Permanent Parks and Recreation Fund	3,231,303
15	Planning and Development Services Fund	12,351,238
16	Property and Casualty Insurance Fund	2,394,170
17	Recreation Activity Fund	10,918,674
18	Stormwater/Flood Management Utility Fund	13,245,203
19	Telecommunications Fund	548,780
20	Transportation Fund	36,101,318
21	Transportation Development Fund	1,545,109
22	Wastewater Utility Fund	23,443,164
23	Water Utility Fund	34,564,584
24	Worker's Compensation Insurance Fund	1,748,192
25	Less: Interfund Transfers	(12,676,833)
26	Less: Internal Service Fund Charges	(19,847,250)
27	TOTAL (Including Debt Service)	\$ 320,370,962

Section 2. The following appropriations are hereby made for the City of Boulder's fiscal year commencing January 1, 2017 and ending December 31, 2017 for estimated carryover expenditures:

27	General Operating Fund	\$ 7,000,000
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1	.25 Cent Sales Tax Fund	1,800,000
2	2011 Capital Improvement Bond Fund	292,000
	Affordable Housing Fund	7,500,000
3	Airport Fund	10,000
4	Boulder Junction Improvement Fund	2,500,000
5	Capital Development Fund	500,000
6	Climate Action Plan Fund	400,000
7	Community Development Block Grant (CDBG) Fund	1,300,000
	Community Housing Assistance Program Fund	4,500,000
8	Equipment Replacement Fund	250,000
9	Facility Renovation and Replacement Fund	5,500,000
10	Fleet Operations and Replacement Fund	850,000
11	HOME Investment Partnership Grant Fund	1,500,000
	Lottery Fund	1,103,073
12	Open Space Fund	25,766,943
13	Permanent Parks and Recreation Fund	400,000
14	Planning and Development Services Fund	1,500,000
15	Stormwater/Flood Management Utility Fund	12,000,000
16	Transportation Fund	27,000,000
	Transportation Development Fund	2,800,000
17	Wastewater Utility Fund	9,000,000
18	Water Utility Fund	14,000,000
19	TOTAL	\$ 127,472,016

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 21 Section 3. The following appropriations are hereby made for the City of
 22 Boulder's fiscal year commencing January 1, 2017, and ending December 31, 2017, for
 23 Fund Balances:

24	General Operating Fund	\$ 35,345,000
25	.25 Cent Sales Tax Fund	3,266,613
26	Affordable Housing Fund	795,427
27	Airport Fund	1,616,245
	Boulder Junction Improvement Fund	220,106

1	Capital Development Fund	12,017,761
2	Climate Action Plan Fund	83,412
3	Community Housing Assistance Program Fund	31,692
4	Compensated Absences Fund	1,645,573
5	Computer Replacement Fund	7,770,788
6	Equipment Replacement Fund	6,903,287
7	Facility Renovation and Replacement Fund	4,899,430
8	Fleet Operations and Replacement Fund	17,651,288
9	Library Fund	942,648
10	Lottery Fund	1,853,710
11	Open Space Fund	12,080,821
12	Permanent Parks and Recreation Fund	500,289
13	Planning and Development Services Fund	4,324,956
14	Property and Casualty Insurance Fund	4,692,719
15	Recreation Activity Fund	1,911,399
16	Stormwater/Flood Management Utility Fund	10,049,719
17	Telecommunications Fund	1,807,730
18	Transportation Fund	4,028,623
19	Transportation Development Fund	1,859,617
20	Wastewater Utility Fund	6,146,365
21	Water Utility Fund	26,888,876
22	Worker's Compensation Insurance Fund	2,366,703
23	TOTAL FUND BALANCES AS OF 12/31/2017	\$ 171,700,797

24 Section 4. The City Council hereby appropriates as revenues all 2016 year-end
 25 cash balances not previously reserved for insurance or bond purposes for all purposes not
 26 designated as "emergencies", including without limitation subsequent years' expenditures,
 27 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

1 Section 5. The sums of money as appropriated for the purposes defined in this
2 ordinance shall not be over expended, and that transfers between the various
3 appropriations defined in this ordinance shall not be made except upon supplemental
4 appropriations by ordinance authorizing such transfer duly adopted by City Council of
5 the City of Boulder, Colorado. It is expressly provided hereby that at any time after the
6 passage of this ordinance and after at least one week's public notice, the Council may
7 transfer unused balances appropriated for one purpose to another purpose, and may
8 appropriate available revenues not included in the annual budget and appropriations
9 ordinance.

10 Section 6. The City Council is of the opinion that the provisions of the within
11 ordinance are necessary for the protection of the public peace, property, and welfare of
12 the residents of the city, and covers matters of local concern.

13 Section 7. Pursuant to Section 95 of the Boulder City Charter, the annual
14 appropriation ordinance must be adopted by December 1 and to Section 18 of the
15 Charter, this ordinance shall take effect immediately upon publication after final passage.
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24 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED
25 BY TITLE ONLY this 4th day of October, 2016.
26
27

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, AND ORDERED PUBLISHED BY
TITLE ONLY this 18th day of October, 2016.

Mayor

Attest:

City Clerk

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ORDINANCE NO. 8147

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	\$1,194.60 1,170.03
Transportation	\$2,323.71 2,275.92
Total:	\$3,518.31 3,445.95

(3) For new attached dwelling unit or mobile home:

Park land	\$ 830.57 813.49
Transportation	\$1,722.02 1,686.60
Total:	\$2,552.59 2,500.09

(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:

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4-20-3. - Auctioneer License Fees.

An applicant for an auctioneer license shall pay an annual fee of ~~\$83~~ \$4 and \$7 per person submitted for background check review.

4-20-4. - Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax.

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(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~~ 2016 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%

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4-20-5. - Circus, Carnival, and Menagerie License Fees.

An applicant for a circus, carnival, and menagerie license shall pay ~~\$435~~ \$425 per day of operation.

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4-20-10. - Itinerant Merchant License Fee.

An applicant for an itinerant merchant license shall pay \$57 ~~56~~ 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 \$16.60 ~~16.25~~ 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, \$2,225 ~~2,172~~ 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, \$111 ~~108~~ per month from May through September, and \$55.50 ~~54~~ 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 \$19.50 ~~19~~ 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, \$15.50 ~~15.00~~ per month;
- (i) For personal services vending permits, \$111 ~~108~~ per month from May through September, and \$55.50 ~~54~~ from October through April; and
- (j) For a newspaper vending machine permit, \$66.50 per year.

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4-20-17. - Secondhand Dealer and Pawnbroker License Fee.

- (a) An applicant for a secondhand dealer license shall pay \$116 ~~113~~ per year plus \$7 per person submitted for background check review.
- (b) An applicant for a pawnbroker license shall pay \$2,181 ~~2,128~~ 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 per building.
- (b) Accessory Units: \$105 per unit.
- (c) For any rental license or renewal of a rental license that has not passed an inspection demonstrating compliance with Chapter 10-2, "Property Maintenance Code" Energy Efficiency Requirements as of December 31, 2016: \$50 per rental license.
- (~~d~~e) 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.

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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 ~~\$11.62~~~~11.38~~ per square foot of leased area.
- (e) An applicant for a monitoring well encroachment shall pay ~~\$530.00~~ per well per year.
- (f) An applicant for a residential encroachment shall pay an annual fee of \$100.
- (~~g~~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 Sections 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

1 Section 11-1-25, "Duty to Maintain Backflow Prevention Assembly and Prevent Cross-
2 Connection," B.R.C. 1981, shall pay the following fees:

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(d) Water meter installation fee:

- 4 (1) ¾" meter~~\$666~~ ~~616.00~~
5 (2) 1" meter~~929~~ ~~868.00~~
6 (3) 1½" meter (domestic)~~2,679~~ ~~2,670.00~~
7 (4) 1½" meter (sprinkler)~~2,885~~ ~~2,909.00~~
8 (5) 2" meter (domestic)~~3,282~~ ~~3,264.00~~
9 (6) 2" meter (sprinkler)~~3,128~~ ~~3,178.00~~
10 (7) 3" meter~~3,878~~ ~~3,895.00~~
11 (8) 4" meter~~5,032~~ ~~5,049.00~~
12 (9) Install ¾" meter transponder~~282~~ ~~265.00~~
13 (10) Install 1" meter transponder~~328~~ ~~311.00~~
14 (11) Install 1½" meter transponder~~406~~ ~~378.00~~
15 (12) Install 2" meter transponder (domestic)~~429~~ ~~400.00~~
16 (13) 3" to 8" meter transponder (domestic)~~1,033~~ ~~986.00~~
17 (14) 2" to 8" meter transponder (sprinkler)~~1,033~~ ~~986.00~~
18 (15) Call back for ¾" and 1"~~65~~ ~~55.00~~
19 (16) Call back for 1½" and 2"~~120~~ ~~100.00~~

20 Sales tax is due on materials portion of installation.

21 (e) Tap fee:

- 22 (1) ¾" in DIP or CIP~~\$270~~ ~~117.00~~
23 (2) ¾" in AC or PVC~~270~~ ~~214.00~~
24 (3) 1" in DIP or CIP~~288~~ ~~127.00~~
25 (4) 1" in AC or PVC~~288~~ ~~222.00~~
26 (5) 1½"~~538~~ ~~406.00~~
27 (6) 2"~~706~~ ~~591.00~~
28 (7) 4"~~462~~ ~~357.00~~
29 (8) 6"~~519~~ ~~413.00~~
30 (9) 8"~~601~~ ~~495.00~~
31 (10) 12"~~757~~ ~~651.00~~
32 (11) Call back for installing a water tap~~194~~ ~~110.00~~

1 Sales tax is due on materials portion of installation.

2 (f) The emergency water conservation special permit fee is\$75.00

3 (g) Tests and inspections for backflow prevention assemblies:

4 (1) To test or inspect first backflow prevention assembly\$115.00

5 (2) Each additional assembly at same location75.00

6 (3) For cross-connection inspection first hour115.00

7 (4) For each additional hour at same location75.00

8 **4-20-24. - Water Service Fees.**

9 A person shall pay the following charges for water services:

10 (a) To terminate water service\$37 ~~33.00~~

11 (b) To deliver water service termination notice14.00

12 (c) To remove water meter78 ~~63.00~~

13 (d) To reset water meter64 ~~55.00~~

14 (e) To resume water service39 ~~31.00~~

15 (f) To resume water service after 3 p.m. or on weekends or holidays76 ~~61.00~~

16 (g) Special meter read36 ~~39.00~~

17 (h) To test meter and meter tests accurate50.00

18 (i) ~~Water monitors110.00~~

19 **4-20-25. - Monthly Water User Charges.**

20 (a) Treated water monthly service charges:

<i>Meter Size</i>	<i>Inside City</i>	<i>Outside City</i>
¾"	\$ <u>11.28</u> 10.44	\$ <u>16.91</u> 15.67
1"	<u>18.98</u> 17.57	<u>28.46</u> 26.36
1½"	<u>40.87</u> 37.84	<u>61.30</u> 56.76
2"	<u>71.59</u> 66.29	<u>107.39</u> 99.44
3"	<u>159.26</u> 147.46	<u>238.89</u> 221.19
4"	<u>281.99</u> 261.10	<u>422.98</u> 391.65
6"	<u>632.79</u> 585.92	<u>949.19</u> 878.88

8"	1,123.89 1,040.64	1,685.84 1,560.97
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(b) Treated water quantity charges:

(1) Block Rate Structure:

	<i>Block Rates (per thousand gallons of water)</i>	<i>Block Size (% of monthly water budget)</i>
Block 1	\$ 2.99 2.76	0—60%
Block 2	3.98 3.68	61—100%
Block 3	7.96 7.36	101—150%
Block 4	11.94 11.04	151—200%
Block 5	19.90 18.40	Greater than 200%

(2) Definitions:

(A) Block Rate Structure is the water budget rate structure which includes Blocks 1—5. These blocks represent an increasing block rate structure such that the price of water increases as more water is used, particularly when the amount of water used exceeds the customer's water budget. This rate structure is intended to:

- promote water conservation and the efficient use of water;
- support community goals;
- reflect the value of water;
- send a price signal to customers who waste water;
- recover needed revenues for administration, operations, maintenance, capital projects, debt payments, and reserves for the water utility;
- avoid additional costs of new water development; and
- avoid additional costs of new and expanded water treatment.

The rate structure provides an individualized water budget to each customer that is expected to meet the customer's specific water needs. The revenues generated from the block rate structure will be used to satisfy the quantity charge portion of the basic revenue requirements of the water utility.

(B) Monthly water budget means the amount of water allocated to the water utility customers to meet their anticipated watering needs for the month. The monthly water budget shall be the indoor and/or outdoor allocation for each water utility customer. The allocation shall be based on reasonable and necessary indoor and/or outdoor use, water

conservation, and other relevant factors associated with water use in the city. The allocations shall be defined by rules and guidelines issued by the city manager.

- (c) Bulk water and metered hydrant rate: \$8-00 per thousand gallons of water used. (Service charges do not apply.)
- (d) Water leased on an annual basis: Colorado Big Thompson \$35 per acre foot; all other based on cost of assessment plus ten percent administrative fee or \$40 ~~35~~ 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:

<i>Type</i>	<i>Amount of Square Feet of Irrigable Area</i>	<i>Application Rate</i>	
Outdoor [per S.F. of irrigated area (2,000 S.F. minimum)]	First 5,000 square feet of irrigable area	15 gallons per square foot (gpsf)	\$ <u>2.90</u> 2.84
	Next 9,000 square feet of irrigable area	12 gpsf	<u>2.43</u> 2.38
	Irrigable area in excess of 14,000 square feet	10 gpsf	<u>1.94</u> 1.90
Indoor			<u>12,432</u> 12,188.00

Customer Description PIF Amount

- (2) Multi Unit Dwelling:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

<i>Indoor</i>	
1 or 2 bedroom unit (per unit)	\$ <u>7,105</u> 6,966
3 bedroom unit (per unit)	<u>8,881</u> 8,707
4 bedroom unit (per unit)	<u>10,657</u> 10,448

5 or more bedroom unit (per unit)	<u>12,432</u> 12,188
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(3) Nonresidential:

Outdoor (Separate irrigation service under Paragraph (4) of this section).

Indoor:

Meter size *	<i>AWC Usage (Gallons) **</i>		
	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

Meter size *	<i>PIF Amount</i>		
	25%	50%	85%
¾"	N/A	\$ <u>4,441</u> 4,354	\$ <u>24,420</u> 23,941
1"	\$ <u>6,216</u> 6,094	<u>15,984</u> 15,671	<u>74,447</u> 72,987
1½"	<u>14,652</u> 14,365	<u>33,745</u> 33,083	<u>136,758</u> 134,076
2"	<u>27,085</u> 26,554	<u>71,488</u> 70,086	<u>287,278</u> 281,645

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:

<i>Usage</i>	<i>Application Rate</i>	<i>PIF Amount</i>
Per S.F. of irrigated area (2,000 S.F. minimum)	15 gallons per square feet (gpsf)	\$ <u>2.90</u> 2.84

(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: $[(AYWA/30,650 \text{ acre feet}) \times A]$ plus

(B) Water Delivery Infrastructure: $[(PDWD/53,000,000 \text{ gallons per day}) \times B] = \text{Total PIF}$

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

	<i>Water Asset Valuations</i>
A	\$418,072,046
B	$\frac{904,617,399}{886,879,803}$

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~~\$127.00~~
- (2) Wastewater nonresidential~~169.00~~
- (3) Wastewater private property repair~~42.00~~
- (4) Sewer main extension permit~~326.00~~

(b) Inspection fee (stub, connection, enlargement, abandonment):

- (1) Wastewater residential (first two inspections inclusive)~~\$169.00~~
- (2) Wastewater nonresidential (first two inspections inclusive)~~211.00~~
- (3) Each inspection after the first two inspections~~94.00~~

(c) Sewer tap fee:

- (1) 4" PVC and VCP~~\$185~~ 125.00
- (2) 4" RCP334 ~~190.00~~

- 1 (3) 6" PVC and VCP~~201~~ 156.00
- 2 (4) 6" RCP~~349~~ 218.00
- 3 (5) Manhole tap~~676~~ 540.00
- 4 (6) Call back for installing a sewer tap~~159~~ 78.00

4 Sales tax is due on materials portion of installation.

5 **4-20-28. - Monthly Wastewater User Charges.**

6 (a) Monthly service charge:

<i>Meter Size</i>	<i>Inside City</i>	<i>Outside City</i>
¾"	\$ 1.58 <u>1.50</u>	\$ 2.36 <u>2.25</u>
1"	2.77 <u>2.64</u>	4.16 <u>3.95</u>
1½"	6.32 <u>6.02</u>	9.48 <u>9.02</u>
2"	11.14 <u>10.61</u>	16.71 <u>15.91</u>
3"	25.04 <u>23.85</u>	37.56 <u>35.77</u>
4"	44.56 <u>42.44</u>	66.84 <u>63.66</u>
6"	100.26 <u>95.49</u>	150.40 <u>143.23</u>
8"	178.24 <u>169.75</u>	267.36 <u>254.63</u>

7 (b) Quantity charge:

- 8 (1) Average strength sewage (up to and including two hundred twenty mg/l TSS, twenty-five
- 9 mg/l NH₃-N, or two hundred thirty mg/l BOD):

<i>Quantity</i>	<i>Inside City</i>	<i>Outside City</i>
Per 1,000 gallons of billable usage	\$6.35 <u>6.05</u>	\$9.53 <u>9.07</u>

- 10 (2) Excess Strength Sewage Charge. In addition to the quantity charge for average strength
- 11 sewage, fees will be charged for excess strength sewage based on the following:

	<i>Strength Exceeding (mg/l)</i>	<i>Fee per 1000 lbs. of discharge</i>
TSS (Total Suspended Solids)	220	\$ 384 <u>376</u>
BOD (Biological Oxygen Demand)	230	576 <u>565</u>
NH ₃ -N (Ammonia as Nitrogen)	25	2,723 <u>2,670</u>

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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:

<i>PIF Amount</i>
<u>\$4,849</u> 4,754

(2) Multi Unit Dwelling:

<i>Description</i>	<i>PIF Amount</i>
1 or 2 bedroom unit (per unit)	<u>\$2,770</u> 2,716
3 bedroom unit (per unit)	<u>3,464</u> 3,396
4 bedroom unit (per unit)	<u>4,157</u> 4,075
5 or more bedroom unit (per unit)	<u>4,849</u> 4,754

(3) Nonresidential:

	<i>AWC Usage (Gallons)**</i>		
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

	<i>PIF Amount (\$)</i>		
Meter size *	25%	50%	85%
¾"	N/A	\$ <u>1,732</u> 1,698	\$ <u>9,525</u> 9,338
1"	\$ <u>2,425</u> 2,377	<u>6,256</u> 6,113	<u>29,038</u> 28,469
1½"	<u>5,716</u> 5,604	<u>13,163</u> 12,905	<u>53,344</u> 52,298
2"	<u>10,565</u> 10,358	<u>27,884</u> 27,337	<u>112,055</u> 109,858

* Nonresidential meters larger than 2 inches require a special agreement described under Paragraph (4) 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) 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:

$$[(PDH/25,000,000 \text{ gallons per day}) \times A] \text{ plus}$$

$$[(ABOD/36,000 \text{ lbs. per day}) \times B] \text{ plus}$$

$$[(ATSS/39,000 \text{ lbs. per day}) \times C] \text{ plus}$$

$$[(ANH_3/4,060 \text{ lbs. per day}) \times D] = \text{Total PIF}$$

Where:

PDH = customer's peak day hydraulic loading in million gallons per day

25,000,000 gallons per day = city's current hydraulic and collection capacity

A = value of city's hydraulic and collection capacity

ABOD = thirty-day average BOD5 loading removal in lbs. per day where BOD5 is the amount of dissolved oxygen consumed in five days by biological processes breaking down organic matter

36,000 lbs. per day = city's current BOD5 removal capacity

B = value of city's BOD5 removal capacity

ATSS = customer's thirty-day average total suspended solids (TSS) loading requiring removal in lbs. per day

39,000 lbs. per day = city's current TSS removal capacity

C = value of city's TSS removal capacity

ANH₃ = customer's thirty-day average ammonia nitrogen as N (NH₃-N) loading requiring removal in lbs. per day

4,060 lbs. per day = city's current NH₃-N removal capacity

D = value of city's NH₃-N removal capacity

	<i>Wastewater Asset Valuations</i>
A	<u>\$278,630,912</u> 273,167,561
B	<u>30,684,979</u> 30,083,313
C	<u>5,401,682</u> 5,295,767

D	12,377,060 <u>12,134,373</u>
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4-20-39. - Animal Impoundment Fee.

The animal impoundment fee prescribed by Subsection 6-1-25(b), B.R.C. 1981, is \$55 per animal with a license; board fee for bite animal quarantine (dangerous animals) is ~~\$20~~25 per day. There is also a ~~\$15~~20 per day fee for feeding and keeping the animal by the city.

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.~~\$15.12~~ 14.00
- (2) 15,000—30,000 sq. ft.~~18.89~~ 17.49
- (3) 30,001 sq. ft. and over~~22.69~~ 21.01

(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.

	<i>PIF Amount</i>
(Per Square Foot of Impervious Area)	\$2.23 <u>2.19</u>

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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 ~~\$100~~ \$90 for each quarterly permit or renewal thereof.

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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

<u>Size Range (SF)</u>	<u>IMPACT FEE RATE</u>						<u>TOTAL</u>
	<u>Library</u>	<u>Parks & Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	
<u>900 or less</u>	<u>\$226</u>	<u>\$1,549</u>	<u>\$72</u>	<u>\$139</u>	<u>\$145</u>	<u>\$103</u>	<u>\$2,234</u>
<u>901-1000</u>	<u>\$262</u>	<u>\$1,798</u>	<u>\$84</u>	<u>\$160</u>	<u>\$168</u>	<u>\$119</u>	<u>\$2,591</u>
<u>1001-1100</u>	<u>\$294</u>	<u>\$2,013</u>	<u>\$95</u>	<u>\$179</u>	<u>\$190</u>	<u>\$133</u>	<u>\$2,904</u>
<u>1101-1200</u>	<u>\$322</u>	<u>\$2,212</u>	<u>\$104</u>	<u>\$197</u>	<u>\$207</u>	<u>\$146</u>	<u>\$3,188</u>
<u>1201-1300</u>	<u>\$349</u>	<u>\$2,394</u>	<u>\$113</u>	<u>\$213</u>	<u>\$224</u>	<u>\$160</u>	<u>\$3,453</u>
<u>1301-1400</u>	<u>\$373</u>	<u>\$2,562</u>	<u>\$120</u>	<u>\$227</u>	<u>\$241</u>	<u>\$169</u>	<u>\$3,692</u>
<u>1401-1500</u>	<u>\$398</u>	<u>\$2,721</u>	<u>\$128</u>	<u>\$242</u>	<u>\$254</u>	<u>\$180</u>	<u>\$3,923</u>
<u>1501-1600</u>	<u>\$418</u>	<u>\$2,869</u>	<u>\$136</u>	<u>\$257</u>	<u>\$268</u>	<u>\$191</u>	<u>\$4,139</u>
<u>1601-1700</u>	<u>\$438</u>	<u>\$3,010</u>	<u>\$142</u>	<u>\$267</u>	<u>\$282</u>	<u>\$199</u>	<u>\$4,338</u>
<u>1701-1800</u>	<u>\$460</u>	<u>\$3,139</u>	<u>\$147</u>	<u>\$278</u>	<u>\$294</u>	<u>\$208</u>	<u>\$4,526</u>
<u>1801-1900</u>	<u>\$476</u>	<u>\$3,262</u>	<u>\$154</u>	<u>\$291</u>	<u>\$306</u>	<u>\$217</u>	<u>\$4,706</u>
<u>1901-2000</u>	<u>\$493</u>	<u>\$3,379</u>	<u>\$160</u>	<u>\$301</u>	<u>\$316</u>	<u>\$224</u>	<u>\$4,873</u>
<u>2001-2100</u>	<u>\$509</u>	<u>\$3,489</u>	<u>\$164</u>	<u>\$310</u>	<u>\$325</u>	<u>\$231</u>	<u>\$5,028</u>
<u>2101-2200</u>	<u>\$525</u>	<u>\$3,597</u>	<u>\$169</u>	<u>\$320</u>	<u>\$339</u>	<u>\$239</u>	<u>\$5,189</u>
<u>2201-2300</u>	<u>\$540</u>	<u>\$3,698</u>	<u>\$173</u>	<u>\$327</u>	<u>\$347</u>	<u>\$245</u>	<u>\$5,330</u>
<u>2301-2400</u>	<u>\$555</u>	<u>\$3,796</u>	<u>\$179</u>	<u>\$340</u>	<u>\$357</u>	<u>\$251</u>	<u>\$5,478</u>
<u>2401-2500</u>	<u>\$567</u>	<u>\$3,889</u>	<u>\$184</u>	<u>\$347</u>	<u>\$364</u>	<u>\$259</u>	<u>\$5,610</u>
<u>2501-2600</u>	<u>\$581</u>	<u>\$3,978</u>	<u>\$189</u>	<u>\$355</u>	<u>\$371</u>	<u>\$264</u>	<u>\$5,738</u>
<u>2601-2700</u>	<u>\$593</u>	<u>\$4,064</u>	<u>\$193</u>	<u>\$362</u>	<u>\$380</u>	<u>\$269</u>	<u>\$5,861</u>

1	<u>2701-2800</u>	<u>\$606</u>	<u>\$4,147</u>	<u>\$196</u>	<u>\$368</u>	<u>\$389</u>	<u>\$275</u>	<u>\$5,981</u>
2	<u>2801-2900</u>	<u>\$617</u>	<u>\$4,228</u>	<u>\$199</u>	<u>\$375</u>	<u>\$397</u>	<u>\$281</u>	<u>\$6,097</u>
3	<u>2901-3000</u>	<u>\$628</u>	<u>\$4,305</u>	<u>\$202</u>	<u>\$383</u>	<u>\$404</u>	<u>\$287</u>	<u>\$6,209</u>
4	<u>3001-3100</u>	<u>\$639</u>	<u>\$4,378</u>	<u>\$205</u>	<u>\$391</u>	<u>\$410</u>	<u>\$292</u>	<u>\$6,315</u>
5	<u>3101-3200</u>	<u>\$651</u>	<u>\$4,452</u>	<u>\$209</u>	<u>\$397</u>	<u>\$417</u>	<u>\$297</u>	<u>\$6,423</u>
6	<u>3201-3300</u>	<u>\$661</u>	<u>\$4,522</u>	<u>\$213</u>	<u>\$404</u>	<u>\$424</u>	<u>\$301</u>	<u>\$6,525</u>
7	<u>3301-3400</u>	<u>\$671</u>	<u>\$4,591</u>	<u>\$217</u>	<u>\$409</u>	<u>\$430</u>	<u>\$306</u>	<u>\$6,624</u>
8	<u>3401-3500</u>	<u>\$679</u>	<u>\$4,657</u>	<u>\$220</u>	<u>\$415</u>	<u>\$436</u>	<u>\$309</u>	<u>\$6,716</u>
9	<u>3501-3600</u>	<u>\$690</u>	<u>\$4,722</u>	<u>\$223</u>	<u>\$421</u>	<u>\$441</u>	<u>\$313</u>	<u>\$6,810</u>
10	<u>3601-3700</u>	<u>\$700</u>	<u>\$4,784</u>	<u>\$225</u>	<u>\$425</u>	<u>\$447</u>	<u>\$316</u>	<u>\$6,897</u>

Table 2: Impact Fee Rates for Multifamily Family Residential per Dwelling Unit

IMPACT FEE RATE								
<u>Size Range (SF)</u>	<u>Library</u>	<u>Parks & Recreation</u>	<u>Human Services</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>TOTAL</u>	
11	<u>600 or less</u>	<u>\$239</u>	<u>\$1,636</u>	<u>\$75</u>	<u>\$145</u>	<u>\$154</u>	<u>\$177</u>	<u>\$2,426</u>
12	<u>601-700</u>	<u>\$290</u>	<u>\$1,981</u>	<u>\$94</u>	<u>\$174</u>	<u>\$187</u>	<u>\$215</u>	<u>\$2,941</u>
13	<u>701-800</u>	<u>\$332</u>	<u>\$2,281</u>	<u>\$107</u>	<u>\$202</u>	<u>\$213</u>	<u>\$248</u>	<u>\$3,383</u>
14	<u>801-900</u>	<u>\$370</u>	<u>\$2,544</u>	<u>\$120</u>	<u>\$226</u>	<u>\$239</u>	<u>\$277</u>	<u>\$3,776</u>
15	<u>901-1000</u>	<u>\$406</u>	<u>\$2,778</u>	<u>\$131</u>	<u>\$247</u>	<u>\$261</u>	<u>\$303</u>	<u>\$4,126</u>
16	<u>1001-1100</u>	<u>\$436</u>	<u>\$2,992</u>	<u>\$142</u>	<u>\$266</u>	<u>\$281</u>	<u>\$325</u>	<u>\$4,442</u>
17	<u>1101-1200</u>	<u>\$466</u>	<u>\$3,185</u>	<u>\$149</u>	<u>\$284</u>	<u>\$299</u>	<u>\$348</u>	<u>\$4,731</u>
18	<u>1201-1300</u>	<u>\$492</u>	<u>\$3,365</u>	<u>\$158</u>	<u>\$300</u>	<u>\$314</u>	<u>\$367</u>	<u>\$4,996</u>
19	<u>1301-1400</u>	<u>\$514</u>	<u>\$3,531</u>	<u>\$166</u>	<u>\$314</u>	<u>\$330</u>	<u>\$385</u>	<u>\$5,240</u>
20	<u>1401-1500</u>	<u>\$538</u>	<u>\$3,686</u>	<u>\$172</u>	<u>\$326</u>	<u>\$346</u>	<u>\$404</u>	<u>\$5,472</u>
21	<u>1501-1600</u>	<u>\$559</u>	<u>\$3,829</u>	<u>\$180</u>	<u>\$342</u>	<u>\$359</u>	<u>\$418</u>	<u>\$5,687</u>

Table 3: Impact Fee Rates for Nonresidential

Impact Fee Rates Per Square Foot of Nonresidential Floor						
<u>Nonresidential Uses</u>	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>Affordable Housing</u>	<u>TOTAL</u>	
22	<u>Retail/</u>					
23	<u>Restaurant</u>	<u>\$0.15</u>	<u>\$0.51</u>	<u>\$0.41</u>	<u>\$7.10</u>	<u>\$8.17</u>
24	<u>Business Park</u>	<u>\$0.17</u>	<u>\$0.12</u>	<u>\$0.10</u>	<u>\$7.85</u>	<u>\$8.24</u>
25	<u>Office</u>	<u>\$0.22</u>	<u>\$0.17</u>	<u>\$0.62</u>	<u>\$9.72</u>	<u>\$10.73</u>
26	<u>Hospital</u>	<u>\$0.18</u>	<u>\$0.16</u>	<u>\$0.53</u>	<u>\$8.39</u>	<u>\$9.26</u>
27	<u>School</u>	<u>\$0.05</u>	<u>\$0.08</u>	<u>\$0.14</u>	<u>\$2.28</u>	<u>\$2.55</u>
28	<u>Mini-Warehouse</u>	<u>\$0.00</u>	<u>\$0.02</u>	<u>\$0.00</u>	<u>\$0.09</u>	<u>\$0.11</u>
29	<u>Warehousing</u>	<u>\$0.07</u>	<u>\$0.05</u>	<u>\$0.05</u>	<u>\$3.16</u>	<u>\$3.33</u>
30	<u>Light Industrial</u>	<u>\$0.13</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$5.73</u>	<u>\$6.00</u>

<u>Other Nonresidential Uses</u>	<u>Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators</u>				
	<u>Municipal Facilities</u>	<u>Police</u>	<u>Fire</u>	<u>Affordable Housing</u>	<u>TOTAL</u>
Nursing Home (per bed)	\$20.60	\$22.89	\$56.07	\$895.19	\$994.75
Day Care (per student)	\$8.01	\$20.60	\$25.18	\$397.39	\$451.18
Lodging (per room)	\$25.17	\$54.93	\$69.81	\$1,093.89	\$1,243.80

Table 1: Impact Fee Rates for Single Family Residential per Dwelling Unit

<i>Size Range (SF)</i>	<i>IMPACT FEE RATE</i>						
	<i>Library</i>	<i>Parks & Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Total</i>
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

<i>Size Range (SF)</i>	<i>IMPACT FEE RATE</i>						
	<i>Library</i>	<i>Parks & Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Total</i>
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

Table 3: Impact Fee Rates for Nonresidential

<i>Nonresidential Uses</i>	<i>Impact Fee Rates Per Square Foot of Nonresidential Floor Area</i>					
	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Affordable Housing</i>	<i>Total</i>	
Retail/Restaurant	\$0.15	\$0.50	\$0.40	\$6.96	\$8.01	
Business Park	\$0.17	\$0.11	\$0.10	\$7.70	\$8.08	
Office	\$0.21	\$0.17	\$0.61	\$9.53	\$10.52	
Hospital	\$0.18	\$0.16	\$0.52	\$8.23	\$9.09	
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	
<i>Other Nonresidential Uses</i>	<i>Impact Fee Rates for Other Nonresidential Uses Based on Unique Demand Indicators</i>					
	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>Affordable Housing</i>	<i>Total</i>	
Nursing Home (per bed)	\$20.19	\$22.44	\$54.98	\$877.64	\$975.25	
Day Care (per student)	\$7.85	\$20.20	\$24.68	\$389.60	\$442.33	
Lodging (per room)	\$24.68	\$53.85	\$68.44	\$1,072.44	\$1,219.41	

(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.

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4-20-66. - Mobile Food Vehicle Sales.

An applicant for a mobile food vehicle permit shall pay a \$~~236~~ 242 application fee and a \$242 ~~236~~ renewal fee per year.

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

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

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 4th day of October, 2016.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this ____ day of _____, 2016.

Mayor

Attest:

City Clerk

Additional Information Related to Specific Topics Discussed, and Council Questions and Feedback Related to the Sept. 13 Study Session on the 2017 Recommended Budget

Citywide Consulting Costs

The City of Boulder hires consultants for a variety of reasons. One primary reason is to obtain technical expertise on specific and distinct projects that is needed only for a defined period of time. Most often, this relates to capital projects, such as engineering and architectural expertise. The costs of that technical expertise would have been included in estimates of the capital project total cost, and saved up and planned for through the capital improvement program process. Another example of consultants being used for technical expertise is in the case of implementing a new technology or enterprise system. Short-term support, education and training provide existing staff the knowledge and skills needed to implement and continue operating the new technology or system. A third example is that of legal consultants, in which a very narrow area of focus is addressed by using external expertise. In each of these cases, a very narrow and specific type of expertise is needed for a limited time and it is more efficient and effective to use consultants than to try to build this expertise in-house. A final example is that of a mandated technical review by an external party, such as the annual review of the city’s financials by external auditors.

Additional consulting services are used for numerous other reasons, relating to management needs.

The table below summarizes the city’s consulting costs from 2015 (last full fiscal year) and gives a brief description of the types of services provided in each of the categories identified.

2015 City of Boulder Consulting Expenses

Category	Description	Amount
Technical Expertise for Capital Projects	Architectural, engineering, design and legal work related to capital projects	8,975,776
Technical Expertise (non capital)	Strategic analysis, data collection, IT technical support, legal technical expertise, other technical expertise	4,737,335
Lobbyists	Federal and State lobby support	81,690
Facilitation and Public Engagement	Facilitation of public meetings and public engagement work	644,604
Financial Consultants	Required audits and actuarial analysis	141,449
Management Consultants	Organizational assessments, labor relations, leadership development, change management, coaching	1,162,809
Total:		15,743,663

Planning, Housing and Sustainability

Consulting Costs

The proposed consultant budget for the Department of Planning, Housing and Sustainability reflects the multiple significant work plan items proposed for 2017. Importantly, approximately 80 percent of the department's annual work plan is focused on delivery of programs and services (e.g. development review, zero waste programs, administration of housing resources, historic preservation, etc.). Major special projects anticipated for 2017, for which approximately 20 percent of staff resources are allocated, include the completion of the Boulder Valley Comprehensive Plan; launch of at least one area planning or neighborhood planning effort; next steps in planning and implementation related to the Boulder Civic Area, Alpine-Balsam site,

city-owned property at 30th and Pearl, and CU's hotel and conference facility on Grandview; next steps in the Housing Boulder work; and a proposed comprehensive review and evaluation of the Boulder land use code. For each of these items, staff developed estimates based on anticipated work plan priorities and a review of staff resources. If council should direct staff to reprioritize, reschedule or reduce the work plan, the related consulting budget projections would similarly be updated. Staff takes a conservative approach to projecting consultant needs, and also understands that project timelines and budget requirements may change as project's progress and council establishes clear direction regarding scope, schedule and expectations. Sometimes this results in a decrease in budget needs; and at other times it results in the need for additional budget allocation or reallocation. For example, in 2016 a second BVCP survey was not originally anticipated, and the scope of services for consultant analysis related to Development Fees and Excise Taxes was expanded based on council requests.

Housing Strategy

Council has asked for information related to the proposed increase in funding in support of the Housing Strategy. The proposed budget increase is primarily related to a staff position, reallocated from an existing position, to lead policy and planning work for Housing Boulder initiatives. This is anticipated to include implementation steps for the Middle Income Housing Strategy; potential work to support creation of a Housing Board (based on forthcoming council direction); an update of the Inclusionary Housing Ordinance, a potential Affordable Housing Benefit Ordinance, and other work (as detailed on the Housing Boulder work plan).

Code Assessment

Staff proposed the code assessment item at the mid-year work plan check-in with council in June. The proposal is to engage a third party consultant to conduct a comprehensive review of the existing land use code: what works, what doesn't and how best to approach a widely shared desire to simplify and streamline the code while making it a more effective tool for achieving the community's vision in a manner consistent with high expectations for the built environment. At present, staff maintains an ongoing list of proposed code updates. That list currently extends to multiple pages. In light of lessons learned from the Form Based Code pilot in Boulder Junction, 2017 offers the opportunity to view the lessons and look at the code comprehensively from an outsider's perspective.

Staffing

Recently, some questions have been raised about staff growth in the Planning, Housing and Sustainability (PH+S) Department. The following information and table is provided to clarify the changes which have occurred in the department since 2011.

Overall, the number of Full Time Equivalent (FTE) positions in the department has increased by 33.96 (25.25 ongoing and 8.71 fixed-term) between the approved 2011 budget and the proposed 2017 budget. 15.75 of those FTEs are a result of the reorganization which combined the Housing Division with the department in late 2015 and the remaining 18.21 FTEs (9.5 ongoing and 8.71 fixed-term) have been added across the department to address various needs over the years.

More specifically:

- 3.74 FTEs (2.0 are fixed-term) have been added to Comprehensive Planning in response to an expanded work plan and increased development activity.

Attachment G: Additional Information - 2017 Recommended Budget

- 1.0 FTE urban designer was added to address council requests following the January 2015 council retreat.
- 6.75 FTEs (3.0 are fixed-term) have been added to Development Review to address increased development activity and short term project needs and city council requests such as code updates.
- 3.5 FTEs (2.0 are fixed term) have been added to Climate and Sustainability to respond to short term project needs, implementation of adopted codes and increased focus on sustainability metrics and outcomes.
- 3.22 FTEs (1.71 are fixed term) have been added to provide additional support to the department’s increased work plan, to support implementation of the council-adopted Short-Term Rental Licensing Program and to support the replacement of the Landlink Development and information System.

Relative to funding, fees collected for services are paying for those resources that were added (10.96 FTEs) in response to increased development activity.

Planning Housing and Sustainability Department FTE 2011 and 2017				
Service Area	2011	2107	Difference	Notes
Comprehensive Planning	6.91	10.65	3.74	Added 1.0 FTE project manager for civic area (fixed term), 0.50 FTE planner (development review for historic preservation), 0 .25 FTE for IPM, 1.0 FTE planner and 1.0 FTE planner associate (fixed-term) in response to expanded work plan and development activity.
Urban Design	1.00	2.00	1.00	Added 1.0 FTE urban designer in response to council requests and action following the January 2015 council retreat.
Development Review (includes zoning review and enforcement)	9.25	16.00	6.75	Transfer of project specialist and zoning enforcement from PW (2.0 FTEs); added 1.0 FTE project specialist and 1.0 FTE zoning reviewer in response to increased development activity; and added 1.0FTE planner for code update (fixed-term), 1 .0 FTE development inspector/ landscape architect (fixed-term) and 1.0 FTE planner for PUD project (fixed-term) to address short-term project needs and respond to council requests.
Housing	0.00	15.75	15.75	The Housing Division was combined as part of the Department in late 2015.
Climate and Sustainability	9.50	13.00	3.50	Added 1.0 FTE data analyst position, 1.0 FTE communication position (fixe- term), 0.50 FTE climate action planner, 1.0 FTE zero waste compliance specialist (fixed-term) and 0.50 FTE increase for conservation coordinator in response to short-term project needs, implementation of adopted codes, and increased focus on sustainability metrics and outcomes.
Administration, Communication and Finance	7.81	10.32	2.51	Added 1.0 FTE deputy director, 1.0 FTE administrative support for planning projects (fixed-term) and 0.50 FTE administrative support for short term rentals in response to council direction and action. Department support shared with Public Works - Development.
Information resources	2.86	3.57	0.71	Landlink replacement project (fixed-term) - shared with PW.
Total:	37.33	71.29	33.96	

Alpine-Balsam and Civic Area Work Plans

Alpine-Balsam and Civic Area Work Plans

The council-approved 2016 work plan is guiding existing work in both the Civic Area and the Alpine-Balsam site. In the Civic Area, work is now underway to begin implementation of the Civic Area vision and council-approved Master Plan which resulted from several years of significant community engagement. Current and forthcoming 2017 work includes phase 1 park improvements, lighting enhancements and Arapahoe underpass improvements funded by the voter-approved measure 2A; work on the Canyon Complete Streets project; work to implement phase 1 of a public market hall; and more detailed planning for the “east bookend,” consistent with previous council direction. For the Alpine-Balsam site, the first phase of visioning and planning is now underway, which will help determine the scope and schedule for next steps. Staff anticipates a check-in with council on this topic in the 4th quarter of 2016, with final direction from council in early 2017. Council direction provided at that time, as well as the January 2017 council retreat, will inform the 2017 work plan, including next steps and priorities for the site's planning and redevelopment.

Interest Costs on the Alpine-Balsam Property

Long-term municipal bonds and Certificates of Participation (COPs) do not have a pre-payment option that is available on household mortgages. These debt instruments are issued as serial bonds and interest is paid annually to the investors until the bonds or COPs are paid off. The COPs issued for the hospital property are not callable for ten years. Staff will determine if it is financially beneficial to call the COPs closer to the call date. Given the low interest rate of the COPs (3.59 percent true interest rate) and the premium paid to call a bond or COP, it is doubtful these COPs would ever be called.

If some of the land was sold off there would be several options. The money received could:

- a) be held in a holding account to make semi-annual payments principle and interest payments, or to call bonds if in ten years if it would be beneficial for the city to do so;
- b) be used for other capital needs on the site that the city wants to invest in;
- c) be used elsewhere in the city for capital expenses that are currently unfunded.

Code Enforcement – Rental Housing Licensing, including Short-Term Rentals

On Sept. 20, the City Council provided direction on potential code changes to support the more effective administration and enforcement of short-term rentals. A comment was offered by a council member on Hotline about potential staffing needs in the area of code enforcement. No additional code enforcement resources are proposed as part of the 2017 Recommended Budget.

In light of recent investments made by the City Council in this area, it seems most appropriate to focus on implementing proposed code changes and fully staff and train new employees in order to leverage existing resources.

Currently 8.6 FTEs from the Planning, Housing & Sustainability and Public Works Departments work as one team to support code enforcement functions related to Rental Housing Licensing Enforcement, including Short Term Rentals, as well as Zoning, Marijuana and Building Safety Enforcement. 5.0 FTEs perform field enforcement duties, with one of these positions being a working supervisor. 3.6 FTEs are administrative positions primarily focused on licensing and administrative support. Two of these positions (1 field position and 1 administrative position)

were added by the City Council in January 2016 in response to the implementation of Ordinance 8050 regulating short-term rentals. Two other positions (1 field position and 1 administrative position) were added by the City Council during the 2015 Budget process in order to provide additional resources for Rental Housing Licensing Enforcement. In summary, 4.0 of the 8.6 FTEs in this area have been added since 2015.

In 2016, filling new positions, training staff and implementing Ordinance 8050, with a six-month education period, have been priorities. Additionally, a vacancy in the code enforcement area provided the opportunity to repurpose an existing FTE as a working supervisor in order to provide additional support for code enforcement. The hiring process for that position is underway. At this time, work priorities include developing and implementing code changes in response to the feedback provided by the City Council at the Sept. 20 City Council meeting and hiring the code enforcement supervisor. That position is expected to be filled during the next two months.

It is important to note that there are other Code Enforcement resources in Public Works including 7 building inspectors (including a supervisor) and 4 right-of-way inspectors (including a supervisor). Additionally, the Code Enforcement Unit in the Boulder Police Department and the Parking Services Unit in the Community Vitality Department provide focused enforcement in their respective areas. All these city work units closely collaborate and coordinate efforts.

Finally, much like staff responded to the proposed implementation of Ordinance 8050 (short term rentals) with recommendations relative to resources, given anticipated impacts, staff continues to closely evaluate the potential implications of the proposed Cooperative Housing Ordinance. Should its implementation present any challenges, staff would return to council during the first (budget) adjustment to base in 2017, with an update including the extent to which additional resources may be warranted.

Potential Ombudsman Position

Citywide, service excellence is the objective and helping our customers navigate what can be a complex environment is a responsibility we all share. Funding for an ombudsman is not recommended at this time as two key positions have been added to the City Manager's Office in recent years to further facilitate and support the resolution of customer questions and concerns. Those positions are a Community Liaison (City/CU) and a Neighborhood Liaison.

Perception Studies

In April 2015, City Council approved a work plan that supported further research to guide decisions that support the city's commitment to creating a safe and welcoming community. Earlier this year, the city conducted a national search and awarded a pro-active and unique Community Perception Assessment project to an organization called the National Council on Crime and Delinquency (NCCD). NCCD is a private, non-profit social research and consulting firm. To date, NCCD has completed more than 20 stakeholder interviews and conducted six focus groups. Using the information garnered from those interactions, the consultants and city staff are working together to develop a statistically valid and culturally appropriate Community Perception Assessment. This assessment will result in data from community members that will

inform recommendations to the Human Relations Commission for improvement in the Boulder community's actual and perceived safety and inclusiveness.

The Community Survey is a statistically valid survey the city conducts every two to three years to measure resident satisfaction with the services and programs the city is offering. It also collects information about how they receive information from the city. This survey aims to ask the same – or similar – questions each time so that it can serve as a baseline and measure of progress over time.

The city is also launching one other survey this fall. It is a Customer Experience Survey that is supporting internal work the organization is doing to enhance the customer service we provide to individuals who interact with city programs, services and enforcement departments. It will not be statistically valid and individuals will be able to self-select whether they participate. It will ask individuals to share information about good and not-so-good experiences they have had when trying to work with or get assistance from city employees.

Living Wage - Janitorial and Landscape Services

On Feb. 16, 2016, as part of an ongoing effort to encourage fair wages in the City of Boulder, City Council considered further options to expand the City of Boulder Living Wage Resolution 926. City Council discussed the identified options and provided direction for staff follow up through three motions. On June 14, 2016, a study session was held to follow up on the information requested and determine next steps. The June 14 study session summary can be found [here](#).

The 2017 Recommended Budget includes increased funding for an expanded living wage for city employees, janitorial and landscape contractors, and emergency medical services (EMS) ambulance providers. The expansion will increase the minimum rate of pay to \$15.67 per hour for all standard and temporary city employees. The 2017 Recommended Budget also includes funding for the increase in contract costs for current janitorial and landscaping service providers, as well as an EMS ambulance service provider, to implement a minimum rate of pay of \$15.67 per hour for workers providing services under these contracts with the city.

As requested by council, staff provided information on an analysis to potentially provide janitorial and landscape services in-house. The purpose of the analysis was to determine the feasibility of providing these services through an in-house approach. The Novak Consulting Group was contracted to analyze the cost and provide a draft implementation plan.

In-house janitorial services were analyzed for the recreation and senior centers, libraries, administrative buildings, utility plants and service centers. A total of 51 facilities including 536,091 square feet were considered. Staffing was determined from department interviews on service needs, scheduling, asset inventories, facility tours, existing contracts and industry standards. Two models were analyzed for janitorial services.

For a full-time model, the cost increase was estimated to range from \$981,000 to \$1.3 million annually over current contract costs (no minimum pay rate). At a \$15.67 per hour minimum pay rate, this would be \$760,000 more per year for the full-time, in-house model than for contracted services, with a negotiated \$15.67 minimum pay rate for workers providing services under these

contracts with the city. Additionally, the full-time, in-house model would require one-time start-up costs of \$195,000.

For a part-time model, the cost increase was estimated to range from \$2 million to \$2.4 million annually over current costs, due to a higher rate of personnel turnover. At a \$15.67 per hour minimum pay rate, this would be \$1,821,000 more per year for the part-time in-house model than for contracted services, with a negotiated \$15.67 minimum pay rate for workers providing services under these contracts with the city. Additionally, the part-time, in-house model would require one-time start up costs of \$183,000.

For landscape services, the only recurring landscape service being contracted out was for maintaining the right-of-way. This included 53 areas with 85 acres. The increased cost to bring this service in-house was estimated to range from \$317,000 to \$380,000 annually, over current contract costs (no minimum pay rate). At a \$15.67 per hour minimum pay rate, this would be \$231,000 more per year than for contracted services, with a negotiated \$15.67 minimum pay rate for workers providing services under these contracts with the city.

Further, the history of outsourcing city services was presented. In the 2000/2001 City of Boulder budget, the budget strategy included ensuring that city program and services were being provided in the most efficient and effective manner possible under the auspices of a continuous improvement philosophy. To that end, one of three managerial goals was “Increased Privatization” which in 2000 included outsourcing additional services such as rental housing inspection, survey operations, bargaining unit negotiations and tax audit hearings. Additionally, at the 2006 City Council Retreat, an initiative was put forward to appoint a blue ribbon commission (BRC) to study revenue policy issues confronting the city. In 2008, the BRC presented a report to council that focused on stabilizing revenue sources and included ensuring the efficient and effective use of public funds. In September 2008, a second Blue Ribbon Commission (BRCII) was convened to focus on reviewing city expenditures, including an emphasis on further opportunities for outsourcing.

Following the presentation of the information at the June 14, 2016 study session, council generally indicated an interest in implementing a living wage of \$15.67 per hour while considering \$17.97 per hour in the future. Subsequent to the study session, the analysis of bringing janitorial and landscape services in-house was further explored. Given the estimated cost and inefficiency, staff continues to recommend that these services remain outsourced while providing for a living wage of \$15.67 per hour through the contracts with the city. Efforts to implement this direction in January 2017 are underway. After the scheduled adoption of the 2017 budget, staff plans to release a Request for Proposal (RFP) for both janitorial and landscaping services to achieve living wage contracts for these services. Once in place, the city will use a certified payroll approach to ensure the living wage contracts are being appropriately fulfilled.

Consistent with this approach, the city issued a RFP for EMS ambulance services with a living wage provision of \$15.67 per hour. The outcome of this process is anticipated to be known by the end of the year. The 2017 recommended budget includes one-time costs to cover an estimated increase in the contract.

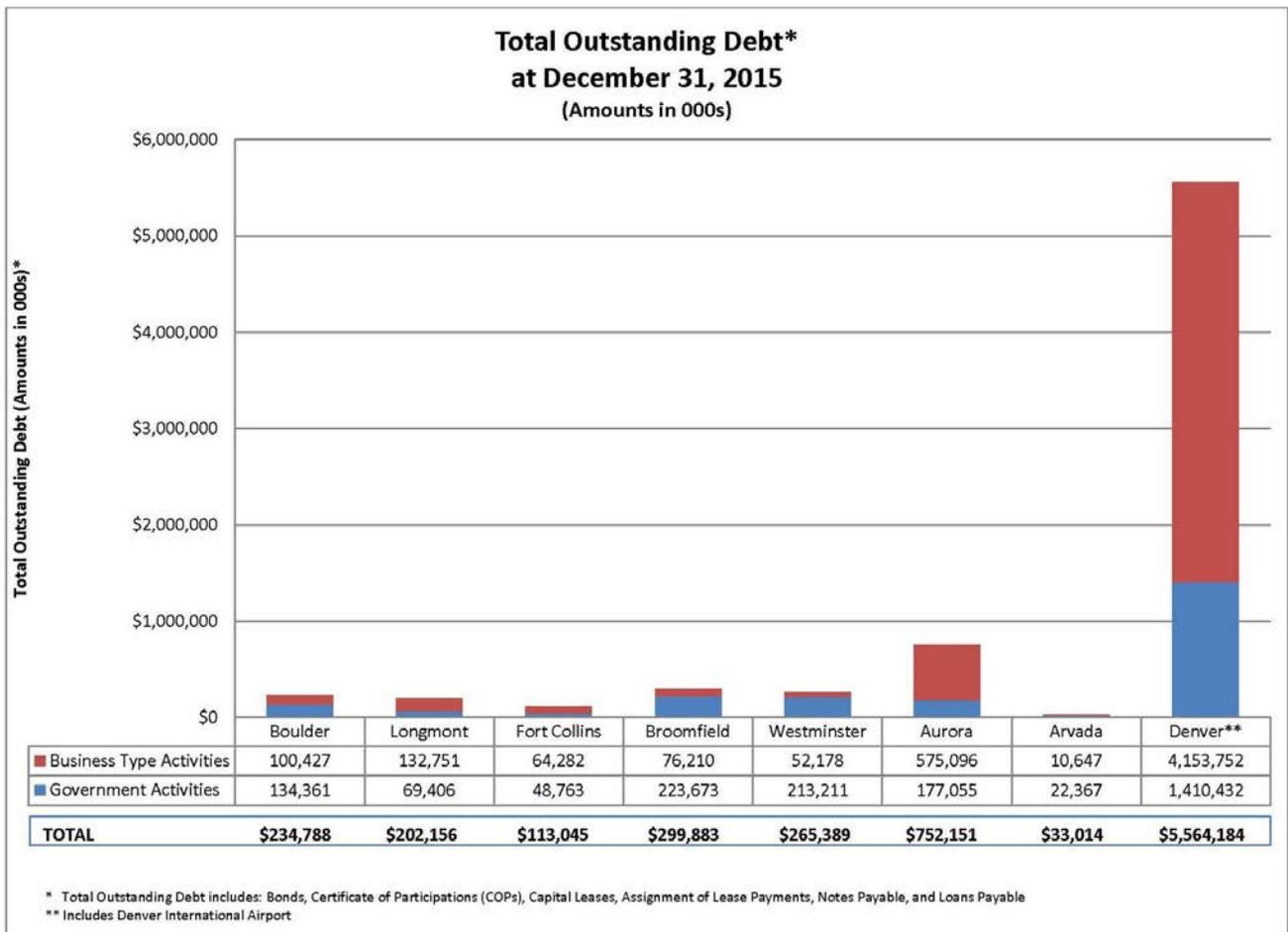
As the city moves forward with implementation of the Living Wage resolution as described above, it is also anticipated the next step will be to refine and recommend a methodology to determine potential adjustments to the living wage. Staff is planning to return to council in late spring 2017 with a recommendation on this item.

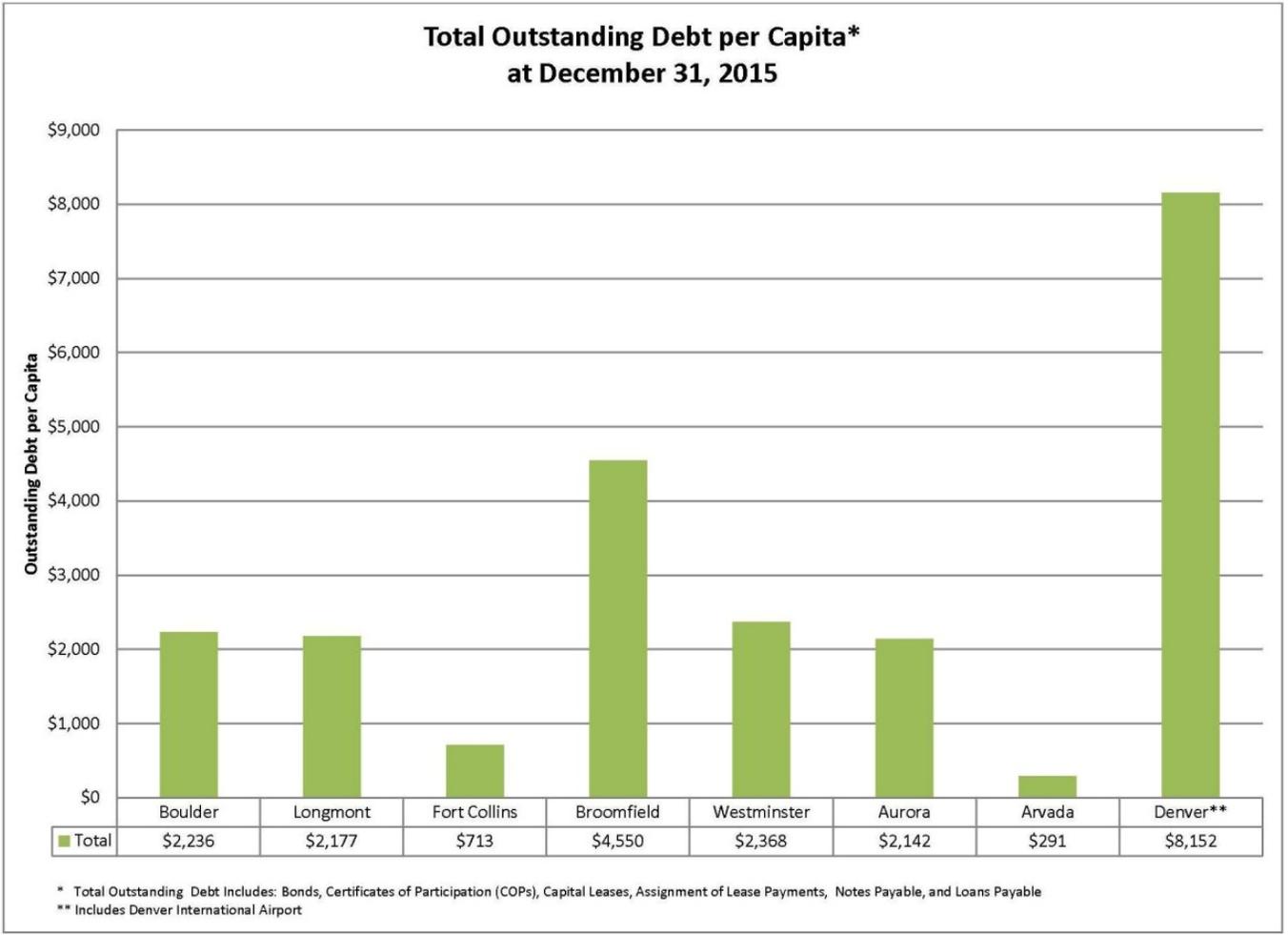
Sales and Use Tax Revenues

During the Sept. 13 budget study session, staff informed council that new retail sales tax revenue sources had produced revenues of approximately \$360,000. Council asked what percent of total sales and use taxes that amount represented. \$360,000 in revenues represents approximately 0.3 percent of total sales and use tax revenues collected in a year by the City of Boulder.

City of Boulder Debt Levels Compared to other Front range Communities

At the Sept. 13 budget study session, council asked for comparison information regarding debt levels of other Front Range Communities. The graphs below provide the debt levels for Boulder and other Front Range communities in dollars and per capita.





Financial Reserves

In discussions related to General Fund Reserve levels at the Sept. 13 council study session on the 2017 recommended budget, council asked what operating reserves existed in a number of other city funds, such as the .25 Cent Sales Tax fund, the Transportation fund and the Open Space fund. As a part of ongoing financial policy review, the Finance Department works with other city departments to assess reserve levels and adapt reserve policies appropriately over time.

For example, work done with Parks and Recreation in the last two years has resulted in a target reserve for the .25 Cent Sales Tax Fund of 15 percent of operating expenses. The department is in the process of phasing in reserve increases to achieve that target over time and has currently achieved a ten percent reserve level. Similarly, the Open Space and Mountain Parks Department, as it shifts from acquisition to stewardship of open space lands over time, is in the process of re-evaluating appropriate reserve levels. The prior reserve policy was based on capital expenditure and debt coverage needs. An updated policy will also take into consideration ongoing operating and maintenance needs, as well as recognizing the risk of revenue fluctuation. Updates to reserve policies will be brought forward in future budgets.

Please find below a table showing reserve policies and levels for city funds.

Attachment G: Additional Information - 2017 Recommended Budget

2017 Budget Reserve Policies

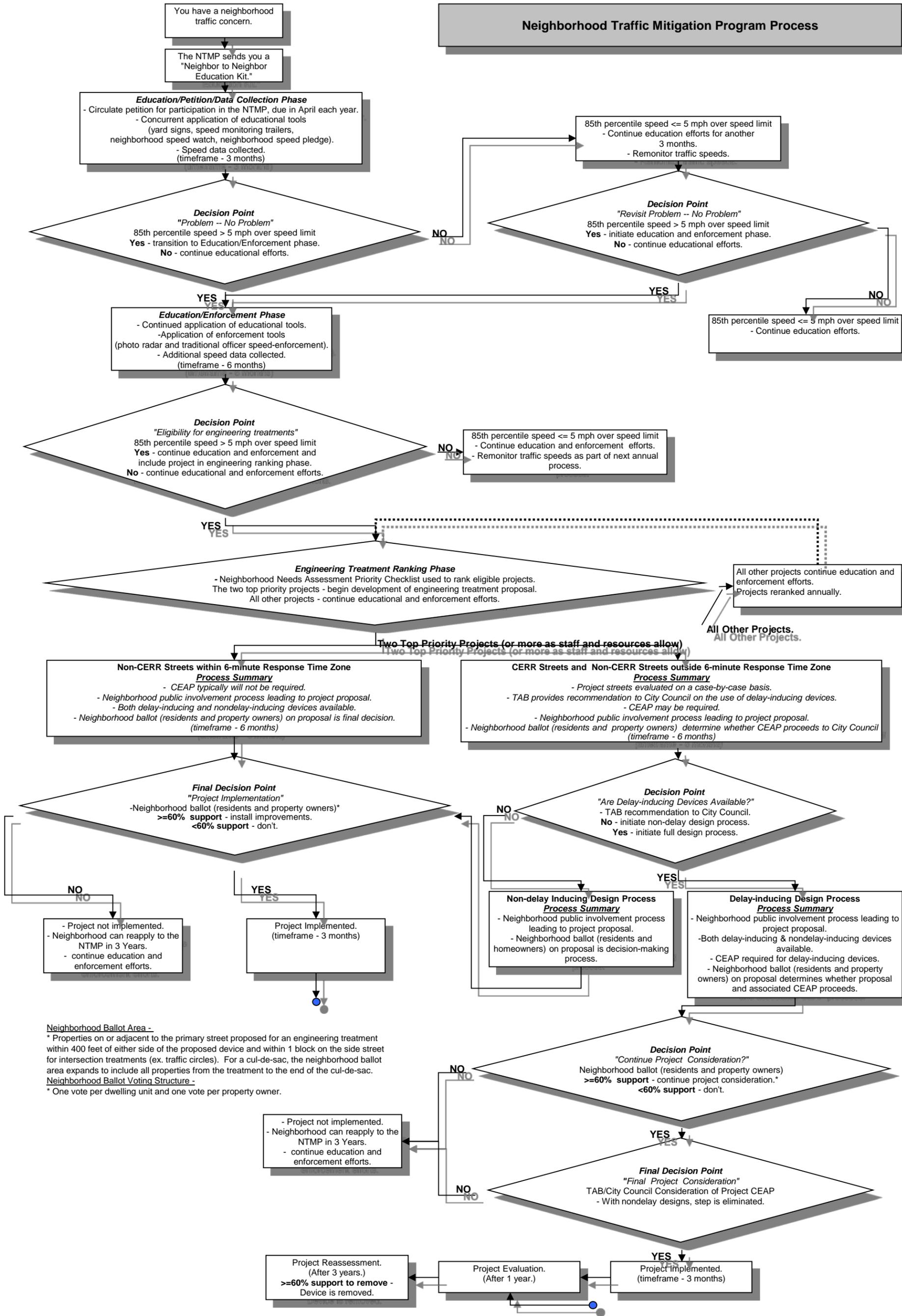
Category	Reserve	Purpose	Current Reserve Policy	2017 Projected Amount	Reserve Policy Met (Yes/No)	Percent of Operating Expenses
GENERAL						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 35,645,000		
Emergency/ Stabilization	Emergency Reserve	Reserve is to provide a cushion for revenue shortfalls, emergencies, and for expenditure opportunities.	Based upon GF expenditures less grants: proposed goal is to have a 17% reserve.	23,561,000	Yes	17%
.25 CENT SALES TAX						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 3,066,613		
Emergency/ Stabilization	Operating Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	Establish 15% reserve of Fund's operating budget (including transfers). The increase to the reserve is being phased in. (5% in 2015; 10% in 2016 and 2017, with a target of 15%).	576,625	Yes	10%
AIRPORT						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 1,616,245		
Emergency/ Stabilization	Designated Reserve	This is an unappropriated reserve for operating and capital emergencies and revenue shortfalls.	25% of Fund's operating budget.	108,010	Yes	25%
BOULDER JUNCTION GENERAL IMPROVEMENT DISTRICT - PARKING						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 151,635		
Emergency/ Stabilization	Designated Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	10% of Fund's operating budget.	46,568	Yes	10%
BOULDER JUNCTION GENERAL IMPROVEMENT DISTRICT - TDM						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 181,206		
Emergency/ Stabilization	Designated Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	10% of Fund's operating budget.	18,831	Yes	10%
CAPITAL DEVELOPMENT						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 12,017,761		
Emergency/ Stabilization	Emergency Reserve	Reserve was established to cover emergencies and revenue fluctuations.	Current reserve policy designates \$500,000 to cover the purposes of the fund.	500,000	Yes	This is a capital fund and the reserve is set related to capital expenditures.
CLIMATE ACTION PLAN						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 83,412		
Emergency/ Stabilization	Emergency Reserve	Reserve is to provide a cushion for revenue shortfalls, emergencies, and for expenditure opportunities.	Reserve is currently set at \$50,000.	50,000	Yes	3%
DOWNTOWN COMMERCIAL DISTRICT						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 6,018,657		
Emergency/ Stabilization	Emergency Reserve	This is an unappropriated reserve to fund unanticipated operating emergencies. Also included within this reserve are funds intended to meet the 3% of Funding Sources Reserve Requirements of TABOR.	10% of Fund's total operating uses.	521,437	Yes	10%
FLEET OPERATIONS						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 17,651,288		
Emergency/ Stabilization	Operating Reserve	This is an unappropriated reserve for operating emergencies.	5% of Fund's operating budget.	384,667	Yes	5%

Attachment G: Additional Information - 2017 Recommended Budget

2017 Budget Reserve Policies - continued

Category	Reserve	Purpose	Current Reserve Policy	2017 Projected Amount	Reserve Policy Met (Yes/No)	Percent of Operating Expenses
LIBRARY						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 868,235		
Emergency/Stabilization	Emergency	Reserve was established to cover emergencies.	Current reserve policy designates 10% of annual Library revenues for emergencies.	103,733	Yes	10% of revenues
OPEN SPACE						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 12,080,821		
Emergency/Stabilization	OSBT Contingency Reserve	Reserve was established to cover revenue fluctuations which might impact the Fund's ability to make debt service payments, as well as emergencies related to acquisitions.	Reserve per OSBT is to cover an amount based on outstanding General Obligation and BMPA debt totals supported by sales tax revenues.	5,483,706	Yes	22%
PLANNING AND DEVELOPMENT SERVICES						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 4,324,956		
Emergency/Stabilization	Operating Reserve	This is an unappropriated reserve which was established to cover revenue fluctuations and operating emergencies.	10% of the operating budget that is funded by fees and permit revenue.	757,318	Yes	10% of fees and permit revenues
RECREATION ACTIVITY						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 1,911,399		
Emergency/Stabilization	Emergency Reserve	Reserve is to provide a cushion for revenue shortfalls, emergencies, and for expenditure opportunities.	Policy is to allow a rolling fund balance to provide stability to annual operations that may otherwise be affected by shortfalls in revenue.	906,250	Yes	8%
STORMWATER/FLOOD MANAGEMENT UTILITY						
Projected 2017 Year-End Fund Balance Before Reserves				\$ 10,099,719		
Emergency/Stabilization	Operating Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	25% of Fund's operating budget (including transfers).	1,256,139	Yes	25%
TRANSPORTATION						
Emergency/Stabilization	Operating Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	Reserve is set at 5% of operating	1,091,784	Yes	5%
TRANSPORTATION DEVELOPMENT						
Emergency/Stabilization	Designated Reserve	This is an unappropriated reserve for operating and capital emergencies and revenue shortfalls.	Reserve is set at \$25,000.	25,000	Yes	This is a capital fund and the reserve is set related to capital expenditures.
UNIVERSITY HILL COMMERCIAL DISTRICT						
Emergency/Stabilization	Emergency Reserve	This is an unappropriated reserve to fund unanticipated operating emergencies.	25% of Fund's total uses.	163,953	Yes	25%
WASTEWATER UTILITY						
Emergency/Stabilization	Operating Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	25% of Fund's operating budget (including transfers).	2,687,881	Yes	25%
WATER UTILITY						
Emergency/Stabilization	Operating Reserve	This is an unappropriated reserve for operating emergencies and/or revenue shortfalls.	25% of Fund's operating budget (including transfers).	4,596,431	Yes	25%

Neighborhood Traffic Mitigation Program Process



Neighborhood Ballot Area -
 * Properties on or adjacent to the primary street proposed for an engineering treatment within 400 feet of either side of the proposed device and within 1 block on the side street for intersection treatments (ex. traffic circles). For a cul-de-sac, the neighborhood ballot area expands to include all properties from the treatment to the end of the cul-de-sac.
Neighborhood Ballot Voting Structure -
 * One vote per dwelling unit and one vote per property owner.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 4, 2016

AGENDA TITLE: Second reading and consideration of a motion to amend Ordinance 8119 regarding cooperative housing intended to expand the availability of cooperative housing units by amending Title 4, “Licenses and Permits by adding a new section 4-20-69, “Cooperative Housing License Fee,” amending Title 9, “Land Use Code,” by amending table 9-6-1 to make cooperative housing an allowed use in certain zone districts, by amending section 9-6-3, eliminating the requirement of a special use permit for cooperative housing, by amending Section 9-8-5 to provide for specific occupancy limitation for cooperative housing units, by amending Section 9-16-1 to add new definitions, amending Title 10 “Structures,” by adding a new Chapter 11 “Cooperative Housing,” establishing requirements for licensing housing cooperatives and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

David Gehr, Deputy City Attorney

David Driskell, Executive Director, Planning, Housing and Sustainability

Susan Richstone, Deputy Director, Planning, Housing and Sustainability

Charles Ferro, Development Land Use Review Manager, Planning, Housing and Sustainability

EXECUTIVE SUMMARY

This is the second reading of Ordinance 8119. The city council held a public hearing on May 17, 2016. Public testimony concluded at approximately 11:00 p.m. Council members began a brief discussion, which concluded at 11:41 p.m. Council asked staff questions and directed staff to draft a series of amendments for consideration at a continued first reading on June 21, 2016. At the June 21, 2016 meeting council members

considered and adopted five amendments to the proposed ordinance. Council passed the proposed ordinance, as amended, on first reading.

Suggested Motion Language:

Second reading and consideration of a motion to amend Ordinance 8119 intended to expand the availability of cooperative housing units by amending Title 4 “Licenses and Permits by adding a new section 4-20-69 “Cooperative Housing License Fee,” amending Title 9 “Land Use Code” by amending table 9-6-1 to make cooperative housing an allowed use in certain zone districts, by amending section 9-6-3, eliminating the requirement of a special use permit for cooperative housing, amending title 10 “Structures” by adding a new chapter 11 “Cooperative Housing” establishing requirements for licensing housing cooperatives and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Cooperative housing may have a positive economic impact by providing access to affordable housing. There is also the possibility that by competing for access to single family homes the existence of legal cooperatives could affect the market for such homes.
- **Environmental:** Cooperative housing could have a positive environmental impact by limiting the number of in-commuters and by the philosophy of shared resources.
- **Social:** Communal living can have social benefits. Higher density could have negative impacts on neighborhoods.

OTHER IMPACTS

- **Fiscal:** The fiscal impact will depend upon the final version adopted. With a limited number of units permitted, any fiscal impact should be limited.
- **Staff Time:** Implementation will be accomplished with existing staff. The principal staff work necessary will be implementing a licensing system. The more complex the requirements included, the more staff time that will be required.

BOARD AND COMMISSION FEEDBACK

The Planning Board considered the proposed ordinance on April 21, 2016. The Planning Board gave careful consideration to the proposed ordinance. The board heard over three hours of public testimony and deliberated for an additional three hours. The board had a wide ranging discussion. Planning Board recommendations and minutes were included in the agenda memorandum for the May 17, 2016 council meeting.

Motions by Council

1. Certification as a Legitimate Cooperative

Council amended the proposed ordinance with language proposed as option “B,” in attachment D to the June 21, 2016 agenda memorandum, which would make the city manager responsible for certification. Council members directed staff to include language allowing the city manager to adopt additional certification criteria. The amended language is included in sections 10-1-1 and 10-11-4(b)(1)(E)

In addition, one council member suggested adopting the certification criteria attached to an email from Zane Selvans sent June 21, 2016. Staff expressed concern about the difficulty of verifying these proposed criteria. These additional criteria were not included as part of the amendment. They are as follows:

- (1) Whether the members of the household share the entire dwelling unit and live, cook and eat together as a single housekeeping unit;
- (2) Whether the members of the household have an adopted set of rules covering democratic governance, maintenance responsibilities, and other household issues;
- (3) Whether the members of the household use the dwelling unit as their legal address for purposes including but not limited to voter registration, driver's license or identification purposes, motor vehicle registration and the filing and receipt of tax documents;
- (4) Whether the group is transient or temporary in nature, as an intentional community shall be expected to remain in place for a period in excess of one (1) calendar year;
- (5) Whether the members of the household share expenses for food, rent or ownership costs, utilities and other household expenses.

2. Property Right for Equity Cooperatives

The council adopted an amendment provided as attachment E to the June 21, 2016 agenda memorandum creating a property right for equity cooperatives, provided that the last clause in subsection (b) be clarified. The new language appears in section 10-11-12a. One council member suggested that if equity cooperatives were to have a property right, then fines for violations should be higher. The proposed ordinance includes two tiers of fines. They are as follows:

	First Violation	Second Violation	Third Violation
Martin Acres, East Aurora, Goss Grove and University Hill	\$500	\$750	\$1000
All other areas	\$150	\$300	\$1000

To increase the fines for equity cooperatives, the ordinance could be amended to provide that all equity cooperatives would be subject to the enhanced fine schedule in all locations, while rental cooperatives would only be subject to the higher fines in the neighborhoods specified.

3. Occupancy

The council adopted an amendment provided as attachment F to the June 21, 2016 agenda memorandum. This included occupancy limits by zone district. Council amended the proposed language to specify that the space must be interior space and not include a garage. The amended language is in a new subsection 9-8-5(d).

Council also expressed an interest in including a potential amendment at second reading to include a minimum allowable occupancy limit and a maximum limit. Council left it to staff to include the proposed minimum and maximum numbers. Staff recommends that the minimum be occupancy by six persons. This is the current limit included in section 9-6-3(b), which was represented as the minimum necessary for a sustainable cooperative. Twelve represents a 100 percent increase over the current limit. The proposed amendment would be as follows:

- (4) Provided however, that in any dwelling unit subject to this subsection.
- (d) shall the occupancy limit be less than six persons or more than twelve persons.

4. Licensing Cooperatives Rather than Property Owners

Council approved an amendment to change the licensee from the property owner to the cooperative. The new language is in section 10-11-4. The amended language includes a provision requiring a rental license. Council may wish to consider limiting this requirement to situations in which the property owner is different from the licensee.

5. Parking

Council members had a productive discussion of possible approaches to parking issues associated with cooperatives. Council members were not supportive of staff's proposal. The following potential amendment is an attempt to capture council's discussion.

Section 4-23-2(c) is amended to read as follows:

No more than two resident permits shall be in effect at any time for any person. No person shall be deemed a resident of more than one zone, and no more than one permit may be issued for any one vehicle even if persons residing in different zones share ownership or use. Provided however, that the total number of permits issued to any dwelling unit licensed as a Cooperative Housing Unit pursuant to section 10-11-3 "Cooperative

Housing Licenses,” B.R.C. 1981, shall not exceed one permit for every three residents legally allowed to reside in the dwelling unit pursuant to section 9-8-5 “Occupancy of Dwelling Units,” B.R.C. 1981.

Section 10-11-11 is amended to read as follows:

10-11-11. – Parking Management Plan Required.

Each applicant for a cooperative housing license shall prepare a parking management plan. Approval of any such plan shall be a condition of issuance of any cooperative housing license. The plan shall limit the number of automobiles associated with the property to no than one vehicle for every three residents permitted under section 9-8-5 “Occupancy of Dwelling Units,” B.R.C. 1981~~four vehicles per license~~. The applicant shall include a contractual agreement with each resident, which binds each resident to abide by such limitation. An agreement by the licensee to require that all residents have a local bus pass with the Regional Transit District may be included in such a plan, but is not required unless the cooperative housing unit is located in a Neighborhood Eco-Pass district.

Council members asked staff to address Neighborhood Parking Permit areas. Under the current ordinance, each resident is entitled to two parking permits. The proposed amendment would limit the number of permits available for a licensed cooperative to one permit for every three legal residents. The second part of the proposed amendment would require each cooperative to have a plan to limit the property to one vehicle for every three residents. The plan would include a contractual promise by each resident to abide by the limitation. Eco-passes could be part of the plan, but would only be required if the cooperative is to be located in a Neighborhood Eco-Pass district.

6. Neighborhood Notification

Council members voted to amend the first reading ordinance with the language contained in attachment I to the June 21, 2016 memorandum. This language can be found in section 10-11-4(b)(1)(F) of the proposed ordinance.¹ Council members also requested that staff propose alternatives that would provide for notification after the cooperative is occupied and require that the notice identify a person available to respond to concerns. The following is intended to provide these options.

Strike subsection 10-11-4(b)(1)(E) and add a new section as follows:

Section 10-11-4a Neighborhood Notification

¹ The proposed amendment attached to the June 21, 2016 agenda memorandum proposed inserting the language in section 10-11-5(b)(5). This was a mistake. Section 10-11-5 is the renewal requirements. Council and staff intended that this provision be included as part of the application requirements.

(a) Within seven days of initial occupancy, the licensee shall provide written notification to each residential dwelling unit with a mailing address on the block face of the dwelling unit occupied by the licensee. The notice shall include the following information:

- (1) A statement that the licensee is a cooperative organization;
 - (2) The address of the property occupied;
 - (3) The name, address, telephone number and e-mail address of a person to contact for additional information or with complaints;
- (b) The licensee shall provide supplemental written notification to each residential dwelling unit with a mailing address on the block face of the dwelling unit occupied by the licensee within seven days of any change to the information in the original notification.

7. Separation

The first reading ordinance carried over the concept of limiting cooperatives as a percentage of the dwelling units in a particular area. Council's discussion seemed to coalesce around creating a separation requirement. That is, each cooperative would be surrounded by a rectangle in which no other cooperative would be licensed. Council directed staff to draft language to facilitate further discussion on this issue. The following amendment would implement such a change:

Amend Section 10-11-3 as follows:

~~(d) Cooperative housing licenses shall be limited to the following concentrations:~~

~~(1) — Neighborhood Area: In the RL-1, RL-2, RE, RR-1, RR-2, A or P zoning districts, no more than ten percent of the single family lots or parcels in a neighborhood area contain a cooperative housing unit. For the purpose of this subparagraph:~~

~~—— (i) — The "neighborhood area" in RL-1, RL-2 and P zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any cooperative housing unit will be located.~~

~~—— (ii) — The "neighborhood area" in RE, RR-1, RR-2 and A zoning districts is the area circumscribed by a line six hundred feet from the perimeter of the lot line within which any cooperative housing unit will be located.~~

~~—— (iii) — If an application for a cooperative housing unit exceeds the ten percent requirement set forth in this subparagraph (a)(2)(A), the city manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional cooperative housing unit within a neighborhood area, the city manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be~~

~~required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

(d) The city manager shall not issue any license for any cooperative housing unit that is within 100 feet of any licensed cooperative housing unit.

Staff recommends a one hundred foot separation. Based on the analysis done for first reading the separation requirements originally proposed would have allowed between two and four cooperative housing units in a three hundred foot area. The mean would be three in a three hundred foot area or one in a one hundred foot area.

8. Definitions

Several council members expressed an interest in adopting definitions proposed by the Boulder Community Housing Association. Council members expressed concern that the definitions in the existing proposed ordinance did not take allow for significant others, children and persons with disabilities to live in equity cooperatives. The BoCHA definitions are as follows:

Private Equity Cooperative means a housing cooperative in which a majority of the adult residents own an interest in the property, a majority of the individuals who own an interest in the property are also residents of the property, and the owner-residents hold a controlling ownership interest in the property. A 501(c)3 non-profit with a housing focused mission may own a minority interest in the property.

Group Equity Cooperative means a housing cooperative in which a majority ownership interest is held by either a 501(c)3 non-profit organization with an affordable housing focused mission, or a public housing authority

Rental Housing Cooperative means any housing cooperative which does not satisfy the requirements for either a private or group equity housing cooperative.

9. Rent Regulation

Council had an extensive discussion regarding rent regulation. There was no consensus on an appropriate structure. Council directed that the rent regulation provisions be deleted from the ordinance. This change appears in the second reading ordinance.

ATTACHMENT

Attachment A - Proposed Ordinance

ORDINANCE 8119

AN ORDINANCE AMENDING TITLE 4 “LICENSES AND PERMITS BY ADDING A NEW SECTION 4-20-69 “COOPERATIVE HOUSING LICENSE FEE,” AMENDING TITLE 9 “LAND USE CODE” BY AMENDING TABLE 9-6-1 TO MAKE COOPERATIVE HOUSING AN ALLOWED USE IN CERTAIN ZONE DISTRICTS, BY AMENDING SECTION 9-6-3, ELIMINATING THE REQUIREMENT OF A SPECIAL USE PERMIT FOR COOPERATIVE HOUSING, BY AMENDING SECTION 9-8-5 TO PROVIDE FOR SPECIFIC OCCUPANCY LIMITATION FOR COOPERATIVE HOUSING UNITS, BY AMENDING SECTION 9-16-1 TO ADD NEW DEFINITIONS, BY AMENDING TITLE 10 “STRUCTURES” BY ADDING A NEW CHAPTER 11 “COOPERATIVE HOUSING” ESTABLISHING REQUIREMENTS FOR LICENSING HOUSING COOPERATIVES AND SETTING FORTH RELATED DETAILS.

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

Section 1. A new section 4-20-69 is added as follows:

4-20-18. – Cooperative Housing License Fee.

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

(a) \$105 per license or renewal.

(b) To cover the cost of investigative inspections, the city manager will assess to licensees a \$250 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of chapter 10-11 “Cooperative Housing,” B.R.C. 1981.

Section 2. Table 9-6-1 is amended as set forth in an attachment A.

Section 3. Section 9-6-3(b) is repealed and subsequent sections are renumbered.

Section 4. Section 9-8-5 is amended as follows:

9-8-5. - Occupancy of Dwelling Units.

1 (a) General Occupancy Restrictions: Subject to the provisions of Chapter 10-2,
2 "Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall
3 occupy a dwelling unit:

4 (1) Members of a family plus one or two roomers. The quarters that the roomers use
5 shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate
6 dwelling unit;

7 (2) Up to three persons in P, A, RR, RE, and RL zones;

8 (3) Up to four persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM,
9 and IMS zones; or

10 (4) Two persons and any of their children by blood, marriage, guardianship, including
11 foster children, or adoption.

12 (b) Accessory Dwelling Unit, Owner's Accessory Unit, or Limited Accessory
13 Dwelling Unit: The occupancy of an accessory dwelling unit, owner's accessory unit, or limited
14 accessory dwelling unit must meet the requirements of Subsection 9-6-3(a), B.R.C. 1981.

15 (c) Nonconformity: A dwelling unit that has a legally established occupancy higher
16 than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy
17 of the dwelling unit as a nonconforming use, subject to the following:

18 (1) The higher occupancy level was established because of a rezoning of the property,
19 an ordinance change affecting the property, or other city approval;

20 (2) The rules for continuation, restoration, and change of a nonconforming use set
21 forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use
22 Review," B.R.C. 1981;

1 (3) Units with an occupancy greater than four unrelated persons shall not exceed a
2 total occupancy of the dwelling unit of one person per bedroom;

3 (4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

4 (5) If a property owner intends to sell a dwelling unit with a non-conforming
5 occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such
6 contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that
7 indicates the allowable occupancy of the dwelling unit.

8 (d) A dwelling unit licensed as a Cooperative Housing Unit pursuant to section 10-
9 11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits
10 set forth in this section. All such dwelling units shall be limited as follows:

11 (1) in the Rural Residential and Residential Low Density zone districts to no more than
12 one occupant per 400 square feet of interior space, exclusive of any uninhabitable space or
13 garage.

14 (2) in the Residential Medium Density zone districts to no more than one occupant per
15 300 square feet of interior space, exclusive of any uninhabitable space or garage; or

16 (3) in all other zone districts to no more than one occupant per 200 square feet of interior
17 space, exclusive of any uninhabitable space or garage.

18 (e) Prohibition: No person shall occupy a dwelling unit in violation of this section or
19 intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation
20 of this section.

21 **Section 5.** Section 9-16-1 is amended by amending the definition of "Cooperative
22 Housing Unit" as follows:
23
24
25

1 Cooperative housing unit has the same meaning as set forth in Section 10-1-1,
2 “Definitions,” B.R.C. 1981 ~~means an individual building for cooperative living that meets the~~
3 ~~criteria for such units set forth in Subsection 9-6-3(b), B.R.C. 1981.~~

4 **Section 6.** The following new definitions are added to Section 10-1-1:

5 *Cooperative* means a housing arrangement in which residents share expenses, ownership
6 or labor.

7 *Cooperative housing unit* means a dwelling unit in a Private Equity, Limited Equity or
8 Rental Cooperative.

9 *Legitimate Cooperative Housing Organization* means an organization formed under
10 Colorado law that, in addition to any other criteria adopted by the City Manager, has the
11 following:

- 12
- 13 (1) a documented governance structure;
 - 14 (2) a list of members; and
 - 15 (3) bylaws that provide for the following:
 - 16 (a) provisions prohibiting discrimination or harassment;
 - 17 (b) a provision requiring regular meetings of all members;
 - 18 (c) a democratic decision-making structure;
 - 19 (d) provisions for discipline or discharge of members; and
 - 20 (d) provisions for sharing of resources.

21 *Limited equity cooperative* means a cooperative operating on a property owned in part by
22 its occupants. A not-for-profit corporation may own an interest in the property.

23 *Not-for-Profit Rental Cooperative* means a rental cooperative owned by a corporation
24 registered with the United States government pursuant 26 U.S.C. § 501(c)(3).
25

1 *Private equity cooperative* means a cooperative operating on a property owned jointly by
2 the residents of the cooperative.

3 *Rental cooperative* means a cooperative in which the some or all of the residents do not
4 have an ownership interest in the property in which the cooperative operates.

5 **Section 7.** A new Chapter 10-11 is added as follows:

6 **Chapter 11 Cooperative Housing**

7 **10-11-1. Legislative Intent**

8 The City Council intends to facilitate cooperative living arrangements. The Council finds
9 that cooperative living arrangements can provide an affordable alternative for living in Boulder.
10 In addition, cooperative arrangements can provide supportive and fulfilling community for their
11 residents. The City Council seeks to balance the benefits of cooperative living against the
12 impacts from the increased density that comes along with cooperative living. The City Council
13 also is concerned about cooperatives competing in a tight housing market with families seeking
14 single family homes.
15

16 **10-11-2. - Cooperative License Required Before Occupancy.**

17 No person shall occupy, allow, or offer to allow through advertisement or otherwise, any
18 person to occupy any cooperative housing unit unless the cooperative housing unit has been
19 issued a valid cooperative housing license by the city manager.

20 **10-11-3. – Cooperative Housing Licenses.**

21 (a) License terms shall be as follows:

22 (1) Licenses shall expire four years from issuance or when ownership of the licensed
23 property is transferred.
24
25

1 (A) In addition to any other applicable requirements, new licenses and renewals shall
2 require that the licensee submit to the city manager a completed current baseline (for a new
3 license) or renewal inspection report, on forms provided by the City. The report shall satisfy the
4 following requirements:

5 (i) The section of the report concerning fuel burning appliances must be executed by
6 a qualified heating maintenance person certifying compliance with those portions of Chapter 10-
7 2, "Property Maintenance Code," B.R.C. 1981, for which the report form requires inspection and
8 certification.

9 (ii) The section of the report concerning smoke and carbon monoxide alarms must be
10 executed by the operator certifying that the operator inspected the smoke and carbon monoxide
11 alarms in the licensed property and that they complied with the requirements of Chapter 10-2,
12 "Property Maintenance Code," B.R.C. 1981.

13 (iii) The section of the report concerning trash removal must be executed by the
14 operator certifying that the operator has a current valid contract with a commercial trash hauler
15 for removal of accumulated trash from the licensed property in accordance with Subsection 6-3-
16 3(b), B.R.C. 1981.

17 (b) Whenever an existing license is renewed, the renewal license shall be effective
18 from the date of expiration of the last license if the applicant submits a complete renewal
19 application by or within ninety days from the expiration date. Licenses not renewed within
20 ninety days will be considered expired, requiring a new baseline inspection report.

21 (c) The city manager shall issue no more than fifteen new cooperative housing
22 licenses in any calendar year. Such licenses shall be allocated as follows:

23 (1) No more than five licenses for limited equity cooperatives;
24
25

1 (2) No more than five licenses for private equity cooperatives;

2 (3) No more than five licenses for not-for-profit rental cooperatives;

3 (4) No more than five licenses for rental cooperatives; and

4 (5) If an application for a cooperative housing unit exceeds the limits set forth in this
5 subparagraph (c), the city manager will place the applicant on a waiting list. Applicants on the
6 waiting list shall be given priority for consideration of applications in the next calendar year.

7 (d) Cooperative housing licenses shall be limited to the following concentrations:

8 (1) Neighborhood Area: In the RL-1, RL-2, RE, RR-1, RR-2, A or P zoning districts,
9 no more than ten percent of the single-family lots or parcels in a neighborhood area contain a
10 cooperative housing unit. For the purpose of this subparagraph:

11 (i) The "neighborhood area" in RL-1, RL-2 and P zoning districts is the area
12 circumscribed by a line three hundred feet from the perimeter of the lot line within which any
13 cooperative housing unit will be located.

14 (ii) The "neighborhood area" in RE, RR-1, RR-2 and A zoning districts is the area
15 circumscribed by a line six hundred feet from the perimeter of the lot line within which any
16 cooperative housing unit will be located.

17 (iii) If an application for a cooperative housing unit exceeds the ten percent
18 requirement set forth in this subparagraph (a)(2)(A), the city manager will place the applicant on
19 a waiting list for the neighborhood area. At such time as there is room for an additional
20 cooperative housing unit within a neighborhood area, the city manager will notify the first
21 eligible person on the waiting list. Such person on the waiting list shall be required to provide
22 notice of intent to file an application within thirty days and file an application within sixty days
23 of such notice.
24
25

1 **10-11-4. - License Application Procedure for Cooperative Housing Licenses.**

2 (a) Only a Legitimate Cooperative Organization may be an applicant for a
3 cooperative housing license. A licensed Legitimate Cooperative Organization may operate a
4 cooperative only with the written consent of the property owner and only in a premises licensed
5 pursuant to Chapter 10-3, "Rental Licenses," B.R.C. 1981.(b) Every applicant for
6 cooperative housing license shall submit the following:

7 (1) A written application for a license to the City, on official city forms provided for
8 that purpose, at least thirty days before occupancy of the property including:

9 (A) A housing inspector's certification of baseline inspection dated within twelve
10 months before the application. The applicant shall make a copy of the inspection form available
11 to city staff and tenants of inspected units within fourteen days of a request; and
12

13 (B) A report on the condition and location of all smoke and carbon monoxide alarms
14 required by chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the
15 applicant; and

16 (C) A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
17 1981, made and verified by the applicant.

18 (D) A parking management plan meeting the requirements of subsection 10-11-11,
19 B.R.C. 1981, made and verified by the applicant.

20 (E) Evidence that the applicant is a Legitimate Cooperative Housing Organization.

21 (F) A certification that the applicant has provided to a resident of each dwelling on
22 the street face contact information for the applicant and the organization responsible for
23 certifying the applicant. (c) Pay all license fees prescribed by section 4-20-69, "Cooperative
24 Housing Fee," B.R.C. 1981, at the time of submitting the license application.
25

1 (d) Take all reasonable steps to notify any occupants of the property in advance of the
2 date and time of the inspection. The applicant shall be present and accompany the inspector
3 throughout the inspection, unlocking and opening doors as required.

4 **10-11-5. - License Renewal Procedure for Cooperative Housing Units**

5 Every licensee of a cooperative housing unit shall follow the procedures in this section
6 when renewing an unexpired license:

7 (a) Pay all license fees prescribed by section 4-20-69, "Cooperative Housing Fee,"
8 B.R.C. 1981, before the expiration of the existing license.

9 (b) Submit to the city manager, on forms provided by the manager:

10 (1) A housing inspector's certification of renewal inspection within twelve months
11 before application. The applicant shall make a copy of the inspection form available to city staff
12 and residents of inspected units within fourteen days of a request;

13 (2) A report on the condition and location of all smoke and carbon monoxide alarms
14 required by chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the
15 operator; and

16 (3) A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
17 1981, made and verified by the operator.

18 (4) A parking management plan meeting the requirements of subsection 10-11-11,
19 B.R.C. 1981, made and verified by the applicant. (c) Take all reasonable steps to notify in
20 advance all residents of the property of the date and time of the inspection. The operator shall be
21 present and accompany the inspector throughout the inspection, unlocking and opening doors as
22 required.
23

24 **10-11-6. - Temporary License.**

1 If the inspection shows that there are violations of chapter 10-2, "Property Maintenance
2 Code," B.R.C. 1981, in the building, and the applicant cannot correct the deficiencies before the
3 housing is to be occupied (in the case of a new cooperative housing unit) or the existing license
4 expires (in the case of a renewal), the applicant may apply, on forms specified by the city
5 manager, for a temporary license. If the manager finds, based on the number and severity of
6 violations, that such a temporary license would not create or continue an imminent health or
7 safety hazard to the public or the occupants, the manager may issue a temporary license. The
8 manager shall specify the duration of the temporary license, for a period reasonably necessary to
9 make the needed repairs and changes. Upon receipt of an additional certificate of inspection
10 showing correction of the deficiencies, and an additional housing license fee, the manager shall
11 issue the cooperative housing license.
12

13 **10-11-7. - License Appeals.**

14 Any applicant denied a temporary license, or aggrieved by the period of time allowed for
15 correction, may appeal the denial or the time for correction, or both, as provided in section 10-2-
16 2, section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required
17 to correct a violation, the board shall either affirm the city manager's originally prescribed time
18 or grant a longer time to correct the alleged violation.

19 **10-11-8. - Time of License Expiration.**

20 Every rental license expires upon the earliest of the following dates:

21 (a) The expiration date on the license unless temporary authority is allowed under
22 section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;

23 (b) The effective date of any order or notice to vacate the property issued under any
24 provision of law;
25

1 (c) The expiration of the temporary certificate of occupancy for the property if a
2 permanent certificate of occupancy has not been issued; or

3 (d) The revocation of the certificate of occupancy for the property.

4 **10-11-9. - License Fees.**

5 Applicants for any cooperative housing license, and applicants renewing an existing
6 cooperative housing license, shall pay the license fees prescribed by section 4-20-69,
7 "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.

8 **10-11-10. - Availability of License.**

9 No person who holds a cooperative housing license shall fail to make the rental license
10 available to anyone within seventy-two hours of receiving a request. Posting of a cooperative
11 housing license at the property is not required.

12 **10-11-11. – Parking Management Plan Required.**

13 Each applicant for a cooperative housing license shall prepare a parking management
14 plan. Approval of any such plan shall be a condition of issuance of any cooperative housing
15 license. The plan shall limit the number of automobiles associated with the property to no than
16 four vehicles per license. An agreement by the licensee to require that all residents have a local
17 bus pass with the Regional Transit District may be included in such a plan, but is not required.

18 **10-11-12. – Compatibility with Neighborhoods.**

19 Each cooperative shall at all times maintain compatibility with the neighborhood in
20 which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive
21 parking on the public right of way and noise, trash and weeds on the property. A cooperative
22 may be considered incompatible with the neighborhood if the city manager receives multiple
23 complaints relating to parking on the public right of way, noise, trash or weeds in any twelve
24
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1 month period. Complaints from a single person shall not be sufficient to cause a property to be
2 incompatible with the neighborhood. Prior to making any determination that a cooperative is not
3 compatible with the neighborhood, the city manager shall provide written notice to the licensee
4 and encourage the licensee to address the complaints with the residents of the neighborhood.

5 **10-11-12a. -- Property Rights for Equity Cooperatives**

6 Cooperatives that are licensed pursuant to this chapter will have the following status
7 under Title 9, "Land Use Code," B.R.C. 1981:

8 (a) Equity Cooperatives. Any licensed limited equity cooperative or private equity
9 cooperative is considered a use of land for the purposes of Chapter 9-6, "Uses of Land," B.R.C.
10 1981. If the city changes its land use regulations, such cooperatives shall have the privilege to
11 continue as non-conforming uses under the requirements in Section 9-10-3, "Changes to
12 Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, provided
13 that all of the requirement of the Boulder Revised code continue to be met.

14 (b) Rental Cooperatives. Any licensed rental cooperative is considered a dwelling unit
15 purposes of Chapter 9-6, "Uses of Land," B.R.C. 1981 and not a use of land. Upon the
16 abandonment, expiration, or revocation of such license, the property will continue to be
17 considered a dwelling unit.

18 **10-11-14. - City Manager May Order Premises Vacated.**

19 (a) Whenever the city manager determines that any cooperative housing unit is in
20 violation of this chapter or of chapter 10-2, "Property Maintenance Code," B.R.C. 1981, and has
21 caused a summons and complaint requiring the licensee to appear in municipal court to answer
22 the charge of violation to issue, and the summons cannot be served upon the licensee despite
23 reasonable efforts to do so, or, having been served, the licensee has failed to appear in the
24
25

1 municipal court to answer the charges or at any other stage in the proceedings, or, having been
2 convicted or entered a plea of guilty or no contest, the licensee has failed to satisfy the judgment
3 of the court or any condition of a deferred judgment, then the city manager may, after thirty days'
4 notice and an opportunity for a hearing to the residents and the licensee, require that the premises
5 be vacated and not be reoccupied until all of the requirements of the Property Maintenance Code
6 and the cooperative housing code have been satisfied and a cooperative housing license is in
7 effect. No person shall occupy any cooperative housing unit after receiving actual or constructive
8 notice that the premises have been vacated under this section.

9 (b) Any notice required by this section to be given to a licensee is sufficient if sent by
10 first class or certified mail to the address of the last known owner of the property as shown on
11 the records of the Boulder County Assessor as of the date of mailing. Any notice to a resident
12 required by this section is sufficient if sent by first class or certified mail to or delivered to any
13 occupant at the address of the premises and directed to "All Residents."

14 (c) The remedy provided in this section is cumulative and is in addition to any other
15 action the city manager is authorized to take.

16 **10-11-15. - Administrative Remedy.**

17 (a) If the city manager finds that a violation of any provision of this chapter or
18 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to
19 the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3,
20 "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to
21 remedy the violation:
22

23 (1) Impose a civil penalty according to the following schedule:
24
25

1 (A) For any violation in the following areas: the area south of Arapahoe Avenue,
2 north of Baseline Road, east of 6th Street and west of Broadway; the area south of Baseline
3 Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area
4 south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th
5 Street:

6 (i) For the first violation of the provision, \$500.00;

7 (ii) For the second violation of the same provision, \$750.00; and

8 (iii) For the third violation of the same provision, \$1,000.00;

9 (B) For a violation in any other area:

10 (i) For the first violation of the provision, \$150.00

11 (ii) For the second violation of the same provision, \$300.00; and

12 (iii) For the third violation of the same provision, \$1,000.00;

13 (2) Revoke the cooperative housing license; and

14 (3) Issue any order reasonably calculated to ensure compliance with this chapter and
15 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

16 (b) If notice is given to the city manager by the licensee at least forty-eight hours
17 before the time and date set forth in the notice of hearing on any violation, other than a violation
18 of section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, that the violation has
19 been corrected, the manager will re-inspect the cooperative housing unit. If the manager finds
20 that the violation has been corrected, the manager may cancel the hearing.
21

22 (c) If notice is given to the city manager by the licensee at least forty-eight hours
23 before the time and date set forth in the notice of hearing on any violation of section 10-11-12
24 "Compatibility with Neighborhoods," B.R.C. 1981, that the licensee has scheduled a community
25

1 mediation with concerned neighbors, the manager may continue the hearing until the manager
2 receives a report regarding the conclusion of the mediation. If after reviewing a community
3 mediation report, if the city manager is satisfied that the cooperative housing unit meets the
4 requirements of section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, the city
5 manager may dismiss any pending complaint.

6 (d) The city manager's authority under this section is in addition to any other
7 authority the manager has to enforce this chapter, and election of one remedy by the manager
8 shall not preclude resorting to any other remedy as well, provided however, the city manager
9 shall not seek criminal penalties for any violation of this chapter.

10 (e) The city manager may, in addition to taking other collection remedies, certify due
11 and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-
12 12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for
13 Collection," B.R.C. 1981.

14 (f) To cover the costs of investigative inspections, the city manager will assess
15 operators a \$250.00 fee per inspection, where the city manager performs an investigative
16 inspection to ascertain compliance with or violations of this chapter.

17 **10-11-16. - Authority to Issue Rules.**

18 The city manager may adopt reasonable rules to implement this chapter.

19 **Section 8.** This ordinance is necessary to protect the public health, safety, and welfare of
20 the residents of the city, and covers matters of local concern.

21 **Section 9.** The City Council deems it appropriate that this ordinance be published by title
22 only and orders that copies of this ordinance be made available in the office of the city clerk for
23 public inspection and acquisition.
24
25

1 READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE

2 ONLY this 21st day of June 2016.

3
4
5 _____
Suzanne Jones
Mayor

6 Attest:

7
8 _____
Lynnette Beck
City Clerk

9
10 READ ON SECOND READING, AMENDED AND PASSED this 4th day of October
11 2016.

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13 _____
Suzanne Jones
Mayor

14 Attest:

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16 _____
Lynnette Beck
City Clerk

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READ ON THIRD READING, ADOPTED AND PASSED this 6th day of December
2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

Attachment A

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	Specific Use Standard
Cooperative housing units	CA	CA	CA	CA	CA	CA	CA	*	*	CA	CA	CA	*	*	*	*	*	*	*	*	*	U	U	*	*	*	9-6-3(b)	



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: OCTOBER 4, 2016

AGENDA TITLE: Second reading and consideration of a motion to amend the following:

- Ordinance 8139 related to the annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe; and
- Ordinance 8140 related to an amendment to Subsection 11-5-11(a). B.R.C. 1981 regarding stormwater and flood control utility plant investment fees.

PRESENTERS

Jane S. Brautigam, City Manager
Tom Carr, City Attorney
David Gehr, Deputy City Attorney
Kathy Haddock, Senior Assistant City Attorney
David Driskell, Executive Director for Planning, Housing, and Sustainability
Susan Richstone, Deputy Director for Planning
Charles Ferro, Land Use Review Manager
Chris Meschuk, Senior Planner

EXECUTIVE SUMMARY

Council action is requested to complete the following:

1. Conduct the public hearing required by the Municipal Annexation Act for Ord. 8039;
2. Conduct a public hearing related to the consideration of an ordinance related to the deferred collection of stormwater and flood management plant investment fees (Ord. 8140);
3. Consider amendments to Ord. 8139 related to annexation, and Ord. 8140 related to fee collection deferral;
4. Complete second reading of Ord. 8139 and Ord. 8140.

First reading of these two ordinances occurred on Aug. 16, 2016. Second reading of Ord. 8139 was rescheduled for Oct. 4, 2016 in order to allow staff to meet and work with affected businesses and property owners of the proposed annexing properties. Those meetings have occurred and changes to Ord. 8139 are redlined in the Attachment A.

Further, related proposed Ord. 8140, a BRC amendment related to stormwater and flood control PIFs on unilateral annexations, was also read on Aug. 16, 2016. Staff is providing additional amendments to that ordinance which were not anticipated at first reading. As with Ord. 8139, the amendments to Ord. 8139 are redlined in Attachment B.

Staff finds that the annexations are consistent with State statutes, the Boulder Valley Comprehensive Plan (BVCP), and the initial zoning shown on the attached chart for each property is consistent with the BVCP Land Use Map.

STAFF RECOMMENDATION

Suggested Motion Language:

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

- Second reading and motion to amend Ordinance 8139 related to the annexation and initial zoning of enclaves in the vicinity of 55th and Arapahoe as presented in Attachment A; and
- Second reading and motion to amend Ordinance 8140 related to an amendment to Subsection 11-5-11(a). B.R.C. 1981 regarding stormwater and flood control utility plant investment fees as presented in Attachment B.

BACKGROUND

The city prepared a separation plan, related to municipalization, for submittal to the Public Utilities Commission. It showed a number of unannexed enclaves that will cause service delivery issues and increased cost. In order to be a part of the city electric system, these properties will need to be within the city limits. The annexation policies in the Boulder Valley Comprehensive Plan (BVCP) encourages annexation of enclaves and other areas adjacent to the city. See BVCP §1.24. Ord. 8139 ordinance is in furtherance of that policy.

Ord. 8139, annexes 15 parcels that are enclaves of the city in the vicinity of 55th and Arapahoe. All of the parcels have a designation in the BVCP of Area II. Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with BVCP policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements, and 1.24 Annexation. There is only one residential parcel affected by the annexation effort, and that owner has consented to the annexation.

The intent of this annexation effort is to make the annexation itself as revenue neutral as possible for the affected properties. As enclave annexations, the property owners:

- Do not pay annexation fees for processing the application; and
- Utility connections and related charges are deferred until the time the property owner desires to connect or the property is redeveloped.

Transportation infrastructure improvements are typically addressed at the time of annexation. The annexation ordinance does not contain any requirement related to the construction of transportation infrastructure. While there is some transportation infrastructure that does not meet city standards, it is anticipated that any improvements or upgrades would be done as part of redevelopment of the property. The city has regulations related to land dedications, reservation of rights of way and the construction of infrastructure in Section 9-9-8, B.R.C. 1981. Improvements could also be completed as part of city or state transportation projects as well.

Existing uses, including those that are through the county zoning process, that do not meet city zoning standards are grandfathered as non-conforming uses in the city. Businesses are required to obtain licenses from the city for any business that requires licensure. Initial zoning is determined based on existing uses of the properties and the land use map designations in the Boulder Valley Comprehensive Plan.

Ord. 8140 amending Subsection 11-5-11(a) B.R.C. 1981, regarding stormwater and flood control utility plant investment fees (Attachment B), is necessary to make the code consistent with the enclave annexation ordinance. It allows the stormwater plant investment fees to be deferred, in addition to providing other payment options. In a typical annexation, the plant investment fee is required at the time of annexation. The proposed amendment adds an additional trigger of building permit(s) obtained after August 16, 2016, valuation of 25 percent of the value of the existing structure for the payment of the stormwater plant investment fee. This trigger is consistent with other development standards for upgrading properties.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – No change in use is anticipated as a result of the annexation, so no economic impact is anticipated. The annexations comply with the policies of the Boulder Valley Comprehensive Plan.
- Environmental - No change in environmental impacts occur as a result of annexation of these properties.
- Social - Annexation of these properties will clarify jurisdictional responsibilities between the county and the city for enforcement of laws on these properties.

OTHER IMPACTS

- Fiscal - No change in the city's fiscal responsibility is anticipated.
- Staff time - Upon annexation, all matters related to these properties are in the normal work plan of the affected city departments.

RECOMMENDED AMENDMENTS TO ANNEXATION ORDINANCE 8139

Staff has met with all of the affected businesses, including those operating marijuana businesses that responded to offers to meet with the appropriate staff regarding any concerns. Staff that toured the marijuana businesses included the Fire Marshall, Chief Building Official, Police

Officer Marijuana Unit, and Licensing Manager. To address concerns raised by those businesses, staff is recommending several changes to the proposed ordinance, as follows:

1. The city manager is authorized to extend the deadlines set for the marijuana businesses to obtain marijuana business licenses from the city if the businesses are performing the work necessary to obtain the licenses, but due to circumstances beyond their control, cannot meet the deadlines. Delays beyond their control would include delay in obtaining ordered equipment, availability of contractors, or similar events. The purpose of the requirement is to have the businesses diligently pursuing compliance, not making heroic efforts to be compliant on a certain date. The amendment is in Section 5 of the ordinance.
2. Marijuana-infused product manufacturing facilities (MIPs) or testing facilities will not be subject to the Limitations on Inventory of Section 6-16-8(j), B.R.C. 1981. There is a testing facility and several MIPs that have higher amounts of inventory than permitted. They are excluded from the limitations until that portion of the Code is amended as there was not an intent for the annexation to require the businesses to limit inventory. The amendment is in Section 6 of the ordinance. Staff intends to also propose amendments to 6-16-8(j) to increase the maximum amount permitted appropriately.
3. For a marijuana business to be existing lawfully, it is required to be in existence in compliance with all applicable laws as of annexation. However, we discovered that there were some that either had pending approvals for new licenses or modifications of premises so amended to ordinance to include those as existing lawfully. At least one of the property owners had obtained county land use approvals within the past few months, and is in the process of obtaining County building permit approvals to implement those plans. When a property is annexed that is in the process of pursuing land use or building permit approvals from the county, it is common for the city and county officials to work together so that the city takes over the process, or accepts the county's completion of the process as approval in the city. The goal of those arrangements is to prevent the property owner from having to pay a second building permit fee, or be subject to inspections by both the city and the county, or complete the process with the county, then start over with the city. . The definition of those that qualify as "lawfully existing" is specified to include such situations. The amendment is in Section 6 of the ordinance.
4. Section 7 of the ordinance was clarified to note specifically that utility fees are being deferred until connection to the utility, increasing the size of a building, or construction of improvements after annexation that exceeds 25 percent of the assessed valuation. This change is consistent with the change proposed in Ordinance 8140 for plant investment fees.
5. A correction was made to Section 8 to clarify that the City is consenting to inclusion of the subject parcels into the Northern Colorado Water Conservancy District and Municipal Subdistrict of the Northern Colorado Water Conservancy District at the time of annexation pursuant to C.R.S. 37-45-136(3.6), and not upon provision of water service to each parcel.

RECOMMENDED AMENDMENTS TO ORDINANCE 8140

A change has been proposed to Ord. 8140 to add an additional trigger for the payment of stormwater and flood control management plant investment fee that requires payment of the fee for a building permit that allows construction exceeding 25 percent of the assessed valuation of the structure. This standard is used in other parts of the municipal code as the point at which property owners are required to bring property into compliance with other standards. Examples include the city’s site access standards and landscaping standards.

FIRST READING QUESTIONS

Below are responses to questions received about the annexations since first reading:

Q. What is the difference in cost to the property owners and tenants for this unilateral annexation compared to other annexations to the city (including the costs required from property owners annexing because of the 2013 flood).

A. Below is a chart showing the comparison of what the property owners annexing because of the 2013 flood had to pay and received as concessions for annexation compared to those being offered for the properties affected by the unilateral annexation of Ordinance 8139.

	Individual Property Applicant	Group Annexations	Flood Recovery Annexations	Unilateral Annexations
Application Fees	Yes	Sometimes waived	Waived	Waived
Annexation Maps, Title Work, NCWCD Inclusion fees	Paid by Applicant	Paid by Applicant	Paid by Applicant	Paid by City
Development Excise Taxes (if applicable)	Yes	Sometimes waived	Waived	Waived
Utility Plant Investment Fees and Tap fees	Yes	Yes	Yes - three options (Pay in full, finance, or defer to time of connection)	Yes - Deferred to time of connection
Annexation Agreement with terms and conditions (easement dedications, ditch rights, public improvements, etc.)	Yes	Yes	Yes	No
Utility Financing Agreements	No	Sometimes partial financing	Yes - all costs financeable due to flood	Possible with proposed language in Ord. 8140

Q. What efforts were made by staff to discover particular concerns of property owners related to this annexation?

A. Each property owner was called individually between August 3 and 5, before first reading of the ordinance. All but two were reached at that time. Since then, staff has talked to representatives of the other two properties. In most cases staff also talked to the tenant businesses of each property. The marijuana businesses accepted the offer to have city officials tour their facilities to let them know of potential concerns, and those tours happened in August and September. In response, staff prepared the attached FAQ to address concerns and to document responses to many of the questions that have been asked by the property owners and tenants.

Q. What are any immediate health or safety concerns that will have to be resolved upon annexation?

A. The only immediate safety concerns discovered are related to egresses that can lock employees or emergency responders into a building. Those include metal gates over doors that cannot be opened from the inside and a padlocked fence gate between the first and second floor inside a business. Both of those would be required to be removed upon annexation as the City does not allow egress which cannot be opened from the inside at commercial buildings.

Q. Are there any operating businesses that are not included in the grandfathering provisions?

A. The only one known to date is a marijuana business that was closed by MED before the annexations started. There is a possibility that one or more of the current businesses are out of compliance with MED requirements. If those businesses are not able to come into compliance with MED requirements they will not meet the requirements for grandfathering

PLANNING BOARD RECOMMENDATION

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**C. Gray** absent) to recommend approval to City Council of the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum assuming that staff and Council can develop provisions in the Ordinance that would promote continuity of existing businesses where consistent with health and safety of the city. This should include more flexibility in the timeline for compliance and potential waivers of existing city rules.

Friendly amendment made by **L. May** to change the above motion to read “only if” rather than “assuming that”. Accepted by **J. Putnam** and **L. Payton**.

Staff believes it has addressed those concerns by the recommended additions to the annexation ordinance provided above.

ANALYSIS

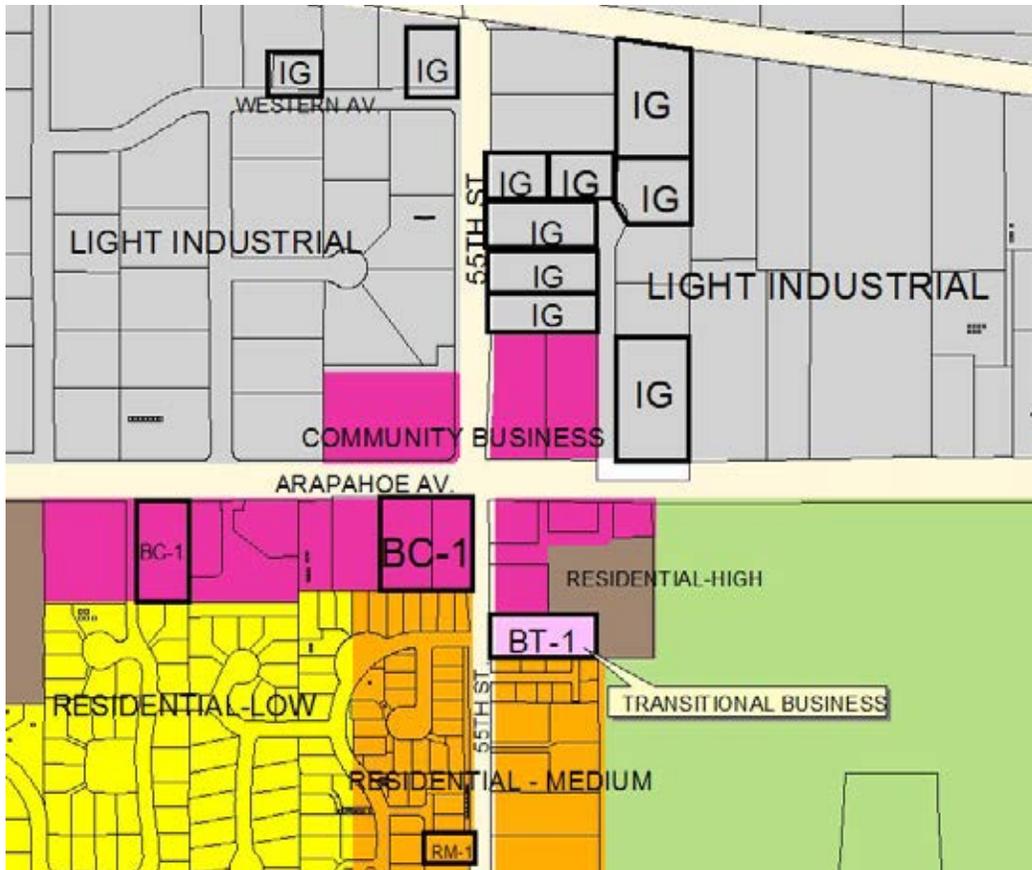
1. Is the proposed annexation consistent with the state statutes and local laws pertaining to the annexation of a property into the City of Boulder?

Annexations must comply with the Municipal Annexation Act of 1965, section 31-12-101, et. seq., C.R.S. Enclaves can be annexed without a hearing, but published notice must be provided once a week for four weeks with the first publication at least 30 days before the adoption of the ordinance. Section 31-12-106(1), C.R.S. Notice has been published of the annexations meeting the statutory requirements. All of the properties proposed to be annexed meet the definition of an enclave as described in Section 31-12-103(4), C.R.S.

Additionally, the annexation will not create an unreasonable burden on the physical, social, economic, or environmental resources of the city, as provided in Section 9-2-17(b), B.R.C. 1981. The properties are enclaves within the urbanized portion of the city. Annexation will not create any additional burdens. Any change that occurs in these area will be done in compliance with city codes.

2. 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. The map below shows the proposed zoning on each parcel to be annexed and the zoning for the annexed areas surrounding each enclave.



BVCP Policies

Annexation of land must be consistent with the following policy:

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

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

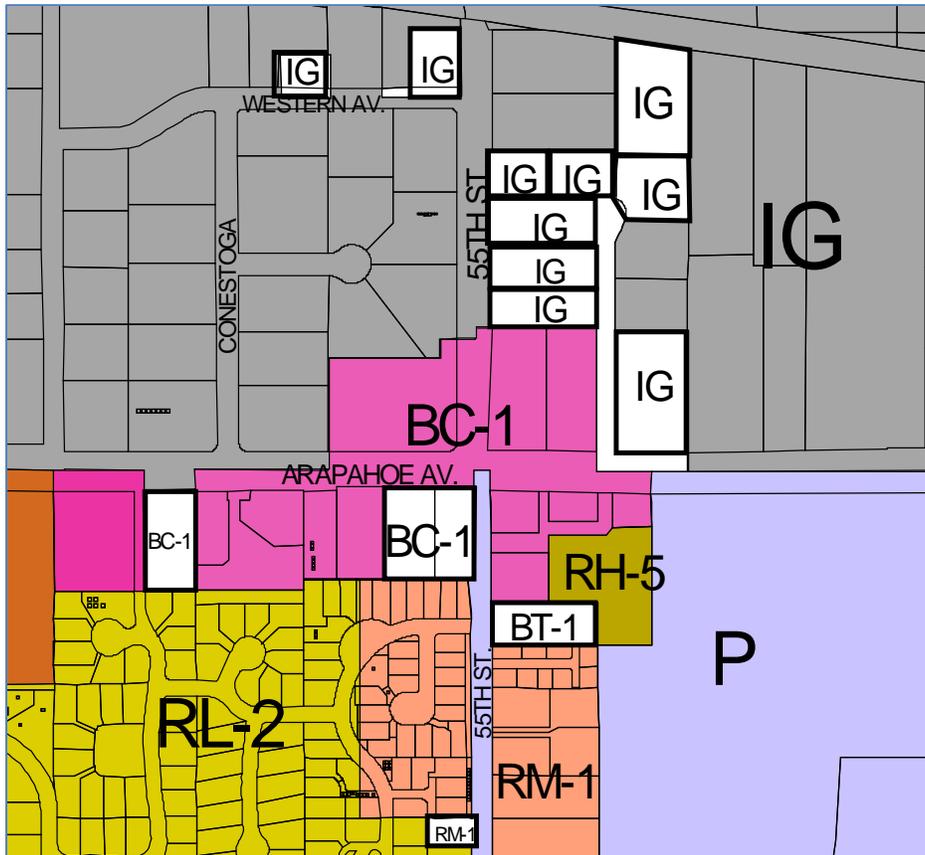
Currently, eight of the 15 properties are on city wastewater services and three are connected to city water. Full city services will be available to the subject properties with annexation, however, these properties will not be required to connect to city utilities until requested by the property owner or construction of a new building or additional square footage of an existing building.

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 part of an existing county enclave and 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 proposed initial zoning of all 15 properties is consistent with the surrounding zoning as shown below (proposed zoning indicated on subject properties).



The proposed initial zoning of 14 of the properties is consistent with the current county zoning. One property (5565 Arapahoe Av.), currently has a commercial zoning designation in the county but a Light Industrial BVCP land use designation. The proposed initial zoning of Industrial-General for the parcel is consistent with the BVCP but not with current use of the site. Two of the current businesses (Hospice Care & Share Thrift Store and Green Tree Medicinals) on the site will be allowed to stay as nonconforming uses once in the city.

d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development

rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit.

e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts.

Eleven of the 15 parcels in the annexation group have developmental potential totaling approximately 105,000 sq. ft. of commercial and industrial space. Upon annexation, these properties will be eligible for redevelopment, consistent with their initial city zoning.

The community benefit in the current situation, is the cost savings to the city utility in not having to duplicate electric facilities to serve these properties.

Attachments:

A – Ord. 8139

B – Ord. 8140

C - Frequently Asked Questions for 55th and Arapahoe Annexation

D - Map of enclave properties to be annexed

E - Chart of proposed zone district for each parcel

ORDINANCE NO. 8139

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER ENCLAVES IN THE VICINITY OF 55TH AND ARAPAHOE, WHICH PARCELS ARE SHOWN ON THE MAP INCORPORATED INTO THIS ORDINANCE, WITH AN INITIAL ZONING FOR EACH PARCEL SHOWN ON THE CHART INCORPORATED INTO THIS ORDINANCE AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; CONSENTING TO THE INCLUSION OF THE PROPERTY INTO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT AND ITS SUBDISTRICT; AND SETTING FORTH RELATED DETAILS.

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

COLORADO:

Section 1. The city council of the city of Boulder, Colorado, finds:

- A. All of the parcels depicted in **Exhibit A** (the "Property") may be annexed by the city council as enclaves without a hearing or notice other than by publication; however the city has mailed individual notices to the property owners, and is holding a public hearing on this ordinance.
- B. The parcels within the Property include 15 parcels in the vicinity of 55th and Arapahoe that are completely surrounded within the boundaries of the city, all of which are described more particularly on **Exhibit B**.
- C. All of the parcels have more than one-sixth contiguity with city boundaries as required by Colorado law.
- D. It is the intent of the city to include in this annexation all of the Property from the abutting incorporated property so that there is no gap of unincorporated property between the parcels of the Property to be annexed and the boundaries of the adjacent incorporated property.
- E. The requirements of the Colorado Constitution and the Colorado Revised Statutes regarding annexation have been satisfied.
- F. All of the parcels included in the Property are located within Area II as designated in the Boulder Valley Comprehensive Plan (BVCP).
- G. The initial zoning proposed for the 10 properties at 5421 and 5485 Western Ave, and 5565, 5575 and 5595 Arapahoe and 1700, 1750, 1780, 1830 and 1840 N. 55th St is "IG" and for

1 the four properties located at 5320 and 5472 Arapahoe Ave and 1530 and 1595 N. 55th St
2 is “BC-1”, and the property at 1415 No. 55th St is “RM-1” all as defined in Title 9, B.R.C.
1981.

3 H. Annexation of the parcels of the Property in Area II and as enclaves is consistent with the
4 BVCP, and the annexation policies in Section 1.24 of the BVCP.

5 I. The city is not proposing a land use designation change for any of the Property.

6 J. The Planning Board has recommended annexation of the Property to the City of Boulder
7 and that the Zoning District Map adopted by the City Council be amended to the zone district
8 specified in this ordinance, as provided in Chapter 9-5, "Modular Zone System," B.R.C.
1981.

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

12 L. The City Council has jurisdiction and the legal authority provided in C.R.S. § 31-12-106(1)
13 to annex and zone the Property as enclaves of the city without a hearing and with notice
14 only by publication.

15 Section 2. The Property shown on the map attached as Exhibit A, and more particularly
16 described in Exhibit B be, and the same hereby is, annexed to and included within the corporate
17 boundaries of the City of Boulder.

18 Section 3. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the Zoning District
19 Map forming a part thereof, be, and the same hereby are, amended to include each parcel of the
20 Property in the zoning district specified in this ordinance. Uses existing on the properties on the
21 date of adoption of this ordinance, or uses “existing lawfully” as defined under Section -6 of this
22 ordinance, shall be considered non-conforming uses pursuant to Chapter 9-10 “Nonconformance
23 Standards” B.R.C. 1981.

24 Section 4. Businesses operating on the parcels to be annexed within the Property must
25 obtain any city licenses that apply to the particular businesses. Businesses requiring a business
license under Section 3-2-11 “Sales and Use Tax License” B.R.C. 1981 must obtain such licenses
within 30 days of adoption of this ordinance.

1 Section 5. Existing marijuana businesses within the Property to be annexed are required
2 to obtain a marijuana business license in conformance with either Chapter 6-14 “Medical Marijuana
3 Businesses” or 6-16 “Recreational Marijuana Businesses” B.R.C. Each marijuana business within
4 the Property shall submit a complete application to the City for such license within 60 days of the
5 adoption of this ordinance. Such businesses shall meet all requirements for issuance of such license
6 and have been issued such license within six months of the adoption of this ordinance, unless a
7 building permit from the city is required to meet the requirements for the license. If a building
8 permit is required to meet the requirements for a marijuana business license, completed application
9 for such permit(s) must be submitted to the city within 60 days of the adoption of this ordinance.
10 The deadline for issuance of a marijuana business license from the city for those requiring a building
11 permit to qualify shall be one year from the date of adoption of this ordinance, which date may be
12 extended by the city manager in the event of extenuating circumstances that are not caused by
13 inaction by the applicant. All businesses applying for a marijuana business license shall diligently
14 pursue completion of all work, including construction, necessary to meet the requirements for such
15 license and each business shall provide written reports to the Marijuana Licensing Authority every
16 three months from the date of application to the issuance of the license, describing the progress
17 made towards meeting the licensing requirements.
18

19 Section 6. Marijuana businesses existing lawfully within the Property on the date of
20 adoption of this ordinance shall not be subject to the density restrictions contained in Section 6-14-
21 7(f) “Location of Recreational Marijuana Businesses- Separation From Schools, Day Care Centers,
22 Addiction Recovery Facilities, or Other Medical Marijuana Uses,” B.R.C. 1981 or Section 6-16-
23 7(e) “Location of Recreational Marijuana Businesses- Separation From Schools and Other
24 Facilities,” B.R.C. 1981, but must comply with all other requirements of Chapter 6-14 “Medical
25 Marijuana Businesses” or Chapter 6-16 “Recreational Marijuana Businesses,” B.R.C. 1981, as

1 appropriate. Neither marijuana-infused product manufacturing facilities nor marijuana testing
2 facilities shall be subject to 6-16-8(j) "Limitations on Inventory" B.R.C., until that subsection is
3 amended. "Existing lawfully" shall mean (a) businesses that are in compliance with all applicable
4 laws and regulations of the state and the Colorado Department of Revenue Marijuana Enforcement
5 Division ("MED"), and (b) businesses that submitted completed applications for approval of new
6 licenses or modification of premises to MED on or before August 16, 2016, and (c) businesses and
7 properties in compliance with the codes adopted by Boulder County for building requirements, and
8 (d) businesses and properties who had obtained land use approvals from Boulder County on or
9 before August 16, 2016 and are pursuing those approvals through the building permit process ~~on or~~
10 ~~before August 16, 2016;~~ and (e) properties for which the owner or tenant had obtained a building
11 permit from the county prior to August 16, 2016 and was diligently pursuing construction to
12 completion.

13
14 Section 7. The property owners of the Property shall not be required to pay any city
15 annexation application costs or fees. Utility fees, including connection and plant investment fees,
16 and requirements to connect to city water or wastewater facilities shall be deferred to the time of
17 (a) connection to the utility, (b) or construction that increases the square footage of existing
18 development upon a parcel of the Property, or (c) construction for which the value on the building
19 permit application(s) for the same project after August 16, 2016, exceeds 25% of the assessed value
20 of the building, whichever occurs first. For purposes of subsection (c), it shall apply only to
21 building permits pursued after August 16, 2016.

22
23 Section 8. The city hereby consents to the inclusion of each parcel of the Property into
24 the Northern Colorado Water Conservancy District (the "District")—and the Municipal Subdistrict
25 of the Northern Colorado Water Conservancy District (the "Subdistrict"); pursuant to C.R.S. 37-
45-136(3.6) upon provision of water to that parcel. The parcels at 5565 Arapahoe Ave. and 1840

1 ~~55th St. are receiving water from the city currently and the staff is directed to take the steps~~
2 ~~necessary to complete inclusion of those parcels into the District and Subdistrict. Contemporaneous~~
3 ~~with this annexation, the City hereby consents to the inclusion of the parcels at 5565 Arapahoe Ave.~~
4 ~~and 1840 55th St. into the Northern Colorado Water Conservancy District (the “District”) and the~~
5 ~~Municipal Subdistrict of the Northern Colorado Water Conservancy District (the “Subdistrict”),~~
6 ~~pursuant to C.R.S. 37-45-136(3.6) Upon inclusion into the District and Subdistrict, said property),~~
7 to the extent such parcels are not already included in said District, Subdistrict or both. Upon
8 inclusion into the District and Subdistrict, said Property shall be subject to the same mill levies and
9 special assessments as are levied or will be levied on other similarly situated property in the District
10 and Subdistrict, respectively.

11 Section 9. The City Council approves any variations or modifications to the Boulder
12 Revised Code or other City ordinances consistent with this ordinance.

13 Section 10. The annexation and zoning of the Property is necessary for the protection of
14 the public health, safety, and welfare.

15 Section 11. The City Council deems it appropriate that this ordinance be published by title
16 only and directs the city clerk to make available the text of the within ordinance for public
17 inspection and acquisition.
18

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 16th day of August, 2016.

3
4
5 Attest: _____
6 Mayor
7 _____
8 City Clerk

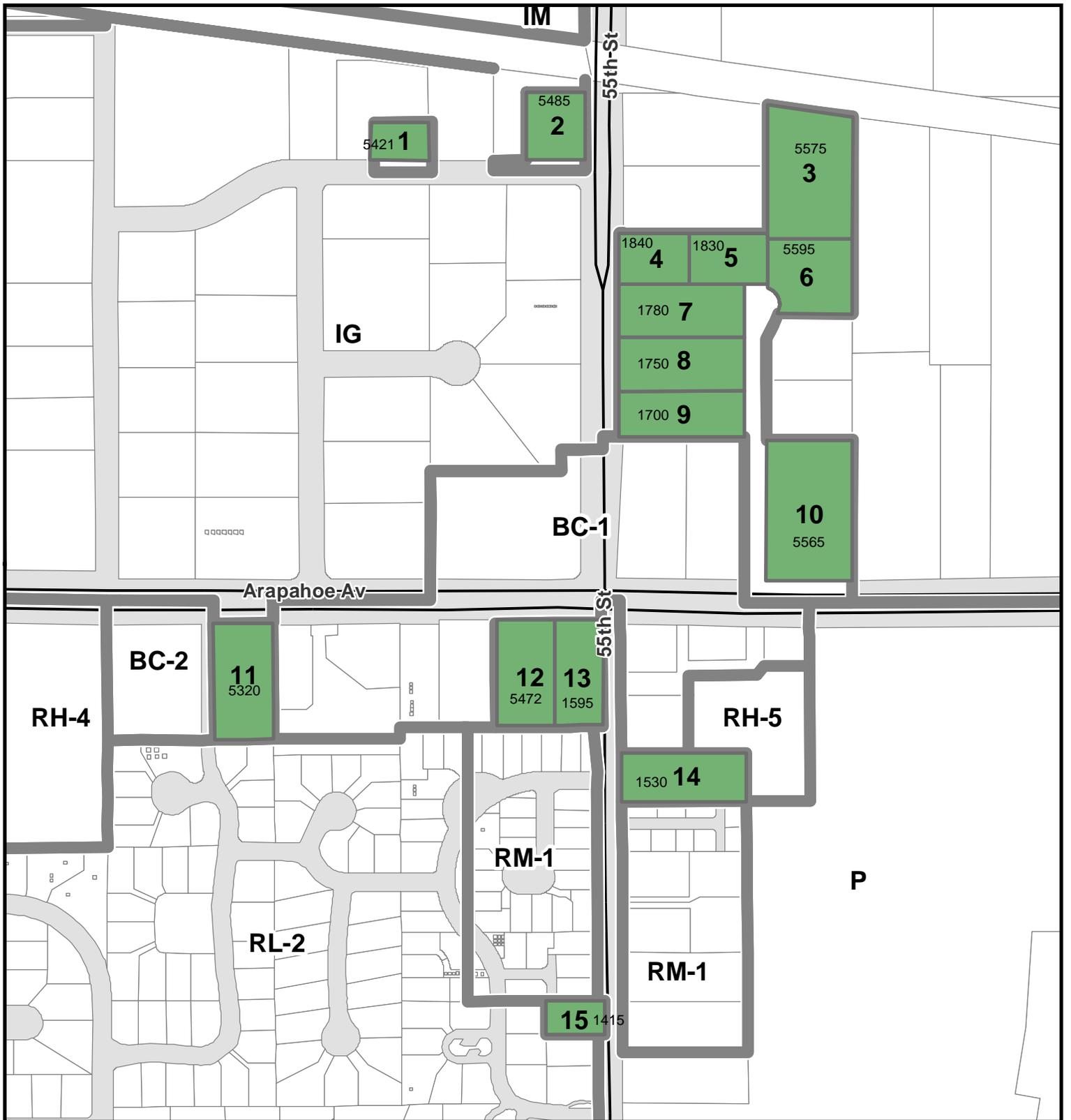
9 READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY TITLE
10 ONLY this 4th day of October, 2016.

11
12
13 Attest: _____
14 Mayor
15 _____
16 City Clerk

17 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
18 BY TITLE ONLY this ___ day of _____, 2016.

19
20
21 Attest: _____
22 Mayor
23 _____
24 City Clerk

City of Boulder Vicinity Map



55th and Arapahoe Enclave Annexations

Packet Page 192



1 inch = 350 feet



The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

Property to be Annexed
(References are to Exhibit A-Map)

#1 – 5421 Western Avenue

Property described in Deed recorded at Reception #02934271 on June 4, 2008, in the records of the Boulder County Clerk and Recorder's Office, together with all that part of the Western Avenue right-of-way between Conestoga Street and 55th Street that is not currently annexed to the City of Boulder.

#2 – 5485 Western Avenue

Property described in Deed recorded at Reception #02459482 on June 23, 2003, in the records of the Boulder County Clerk and Recorder's Office, together with all that part of the Western Avenue right-of-way between Conestoga Street and 55th Street that is not currently annexed to the City of Boulder.

#3 – 5575 Arapahoe Avenue

Property described in Deed recorded at Reception #03514292 on April 27, 2016, in the records of the Boulder County Clerk and Recorder's Office.

#4 - 1840 55th Street

Property described in Deed recorded at Reception #03051194 on Jan. 4, 2010, in the records of the Boulder County Clerk and Recorder's Office.

#5 – 1830 55th Street

Property described in Deed recorded at Reception #03508527 on March 29, 2016, in the records of the Boulder County Clerk and Recorder's Office.

#6 – 5595 Arapahoe Avenue

Property described in Deed recorded at Reception #03196632 on Jan. 17, 2012, in the records of the Boulder County Clerk and Recorder's Office.

#7 – 1780 55th Street

Property described in Deed recorded at Film #2074, Reception #01544560 on Sep. 1, 1995, in the records of the Boulder County Clerk and Recorder's Office.

#8 – 1750 55th Street

Property described in Deed recorded at Reception #03415159 on Nov. 26, 2014, in the records of the Boulder County Clerk and Recorder's Office.

#9 – 1700 N. 55th Street

Property described in Deed recorded at Reception #03196633 on Jan. 17, 2012, in the records of the Boulder County Clerk and Recorder's Office.

#10 – 5565 Arapahoe Avenue

Property described in Deed recorded at Reception #03196631 on Jan. 17, 2012, in the records of the Boulder County Clerk and Recorder's Office.

#11 – 5320 Arapahoe Avenue

Property described in Deed recorded at Film #1605, Reception #01016212 on Dec. 1, 1989, in the records of the Boulder County Clerk and Recorder's Office.

#12 – 5472 Arapahoe Avenue

Property described in Deed recorded at Reception #03002018 on May 26, 2009, in the records of the Boulder County Clerk and Recorder's Office.

#13 – 1595 55th Street

Property described in Deed recorded at Film #2058, Reception #01524944 on June 20, 1995, in the records of the Boulder County Clerk and Recorder's Office.

#14 – 1530 55th Street

Property described in Deed recorded at Film #2035, Reception #01496348 on Feb. 6, 1995, in the records of the Boulder County Clerk and Recorder's Office.

#15 – 1415 15th Street

Property described in Deed recorded at Reception #02481604 on Aug. 1, 2003, in the records of the Boulder County Clerk and Recorder's Office.

RIGHTS-OF-WAY

56th Street ROW

All that part of the 56th Street right-of-way south of the south right-of-way line of the Colorado and Southern Railroad and north of the north right-of-way line of Arapahoe Avenue, that is not currently annexed to the City of Boulder.

55th Street ROW

All that part of the 55th Street right-of-way south of the south right-of-way line of the Colorado and Southern Railroad and north of the north right-of-way line of Lodge Lane, that is not currently annexed to the City of Boulder.

Arapahoe Avenue ROW

All that part of the Arapahoe Avenue right-of-way east of Range Street and west of Old Tail Road that is not currently annexed to the City of Boulder.

ORDINANCE NO. 8140

AN ORDINANCE AMENDING SUBSECTION 11-5-11(a), B.R.C. 1981, TO PROVIDE METHODS OF ASSESSING AND COLLECTING STORMWATER AND FLOOD CONTROL UTILITY PLANT INVESTMENT FEES, FOR UNILATERALLY ANNEXED PROPERTIES AND SETTING FORTH RELATED DETAILS.

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

Section 1. Subsection 11-5-11(a), B.R.C. 1981, is amended to read:

11-5-11. - Storm Water and Flood Management Utility Plant Investment Fee.

(a) Any person desiring to develop property in the city or to annex developed property into the city shall pay a storm water and flood management plant investment fee pursuant to the schedule of fees set forth in section 4-20-46, "Storm Water and Flood Management Utility Plant Investment Fee," B.R.C. 1981.

(1) In the case of annexation of developed property, the plant investment fee prescribed by this section shall be paid prior to the second reading of the annexation ordinance annexing the property into the city.

(2) In the case of unilaterally annexed property, the plant investment fee prescribed by this section shall be paid prior to or concurrent with:

(A) The issuance of a certificate of occupancy for any new building or final inspection for any building permit that results in additional floor area for that property; ~~or~~

(B) Improvements to the existing structure after the effective date of annexation exceeding more than 25 percent of the assessed valuation of the structure. The permit applicant may demonstrate the value of the existing structure by submitting either the actual value assessed by the Boulder County Assessor's Office or the fair market value determined by a real estate appraiser licensed in Colorado; or

(C) The payment of any plant investment fee for water or waste water service for that property.

In the alternative to the timing of payment of the plant investment fee described above, the city manager may enter into agreements with the owner of the property that results in the payment of the fee that is equivalent in amount, prevents an undue

hardship to the owner, and in a manner that does not cause a substantial burden to the utility or its rate payers.

(3) In the case of development on previously undeveloped property, the plant investment fee prescribed by this section shall be paid prior to issuance of a certificate of occupancy by the city for that property.

(34) In the case of a change or addition to developed property, the plant investment fee prescribed by this section shall be paid prior to issuance of a building permit by the city for that property.

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 16th day of August, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

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READ ON SECOND READING, AMENDED AND ORDERED PUBLISHED BY
TITLE ONLY this 4th day of October, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
BY TITLE ONLY this ___ day of _____, 2016.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

Frequently Asked Questions of MJ businesses re Annexation

Sept. 29, 2016

Following are questions that have been asked by various businesses and property owners affected by the annexation of enclaves at 55th Street and Arapahoe.

Q: Can you explain what the term “change of use” means in terms of zoning code requirements and building code requirements?

A: Some confusion is caused when the phrase “change of use” is used. Generally it means a change of use as defined in a land use context under Title 9 of the Boulder Revised Code. It is going from one use classification from the “Use Table” in Section 9-6-1, “Schedule of Permitted Uses,” B.R.C. 1981, to another use. However, for interpretation of fire requirements, it also applies to Use categories determined by the level of potential fire risk. The International Fire Code is adopted by Article 10 of the Boulder Revised Code. When referring to fire requirements, a change of use would be if a user for one category was replaced by a user under a different category under the fire code.

Q: Do I have to connect to city water if the annexation ordinance passes?

A: No. The requirement to connect to city utilities has been waived in Section 7 of the annexation ordinance. The annexation itself does not trigger any requirement to connect to city water or pay any water connection fees or plant investment fees.

Q: What if a current tenant leaves and a new one comes in – does that mean my use is not grandfathered?

A: No. “Grandfathering” is not a term that is used in the Boulder Revised Code, but it is a term that is used to describe the continuation of nonconforming uses. Grandfathering applies to the current use (from a Title 9 perspective), not a particular tenant. Therefore if the new tenant has the same use within the same space, the use may continue under the city’s nonconforming use standards. The changing and substitution of grandfathered uses is also permitted by the Boulder Revised Code. The requirements can be found in Chapter 9-10, “Nonconformance Standards,” B.R.C. 1981. Grandfathering does not apply to safety requirements of Title 10. Requirements under Title 10 that are not related to immediate safety (like door locks) are not triggered until events described in other answers.

Q: What if I want to reconfigure existing internal space to take space from one tenant and give it to another?

A: So long as the amount of the building permit(s) for an internal tenant improvement project does not exceed 25% of the assessed valuation of the structure, and there is no change of use (from a Title 9 or Title 10 perspective), existing internal space may be reconfigured.

Q: How do I get an estimate of the amount of the fees and PIFs for my building?

A: The amounts are determined on several factors particular to the property. Current fees and charges can be found at:

https://www-static.bouldercolorado.gov/docs/2016_Schedule_of_Fees-1-201607080924.pdf

Additional resources for calculating fees can be found at the following locations;

Estimating Water, Wastewater & Irrigation PIF

https://www-static.bouldercolorado.gov/docs/PDS/forms/502_water_wastewater_PIF_wksht.pdf

(Then to go to page 18 of the Fee Schedule)

Storm Water and Flood Management Fee and PIF

https://www-static.bouldercolorado.gov/docs/PDS/forms/501_PIF_wksht.pdf

(Then go to page 20 of the Fee Schedule)

Staff from Planning and Development services are also available to help property owners identify fee amounts.

Q: Can we finance the costs of connection to utilities and/or the PIFs?

A: Ordinance 8140 delegates to the city manager the ability to make such arrangements within the parameters in that section for the stormwater and flood control management plant investment fee. Water and wastewater plant investment fees will be due when the property connects to the city utility system.

Q: Can we make building improvements such as installing a new roof, new air conditioner, or painting the exterior that does not involve expansion of square feet or redevelopment in excess of 25% of the assessed valuation for the structure trigger a requirement to connect to utilities?

A: Yes. The 25 percent of the assessed valuation of the building requirement is intended to be high enough so as to not trigger payment of the fee for projects that would otherwise be considered routine maintenance or minor tenant improvements. Building permits for the same project cannot be divided so as to avoid this requirement.

Q: What are the triggers for the Title 10 requirement to connect to water, install sprinkler systems, or add additional fire protection?

A: If the use of the building changes from one fire rating category to another, it could trigger the requirement to be connected to the city water system and add fire protection. Whether or not it would in a particular circumstance would depend on what category of use exists now and what category it would move to. Changing from Group F-2 to Group A-2 would trigger the requirements for connection to city water and additional fire protection.

Q: What are the other triggers for requirements to connect to water?

A: The following would trigger a requirement to connect to city water and payment of the water PIF:

1. Expansion of existing square footage of a building
2. Building permit(s) acquired after August 16, 2016 for building improvements that total 25% of the assessed valuation of the structure.

Q: When is a property owner responsible for public right of way improvements, including paving, curb and gutter, storm water, or dedication of easements or right of way?

A: Section 9-9-8, "Reservations, Dedication, and Improvement of Right of Way," B.R.C. 1981 includes the detailed requirements for when land dedications and the construction of public improvements are required.

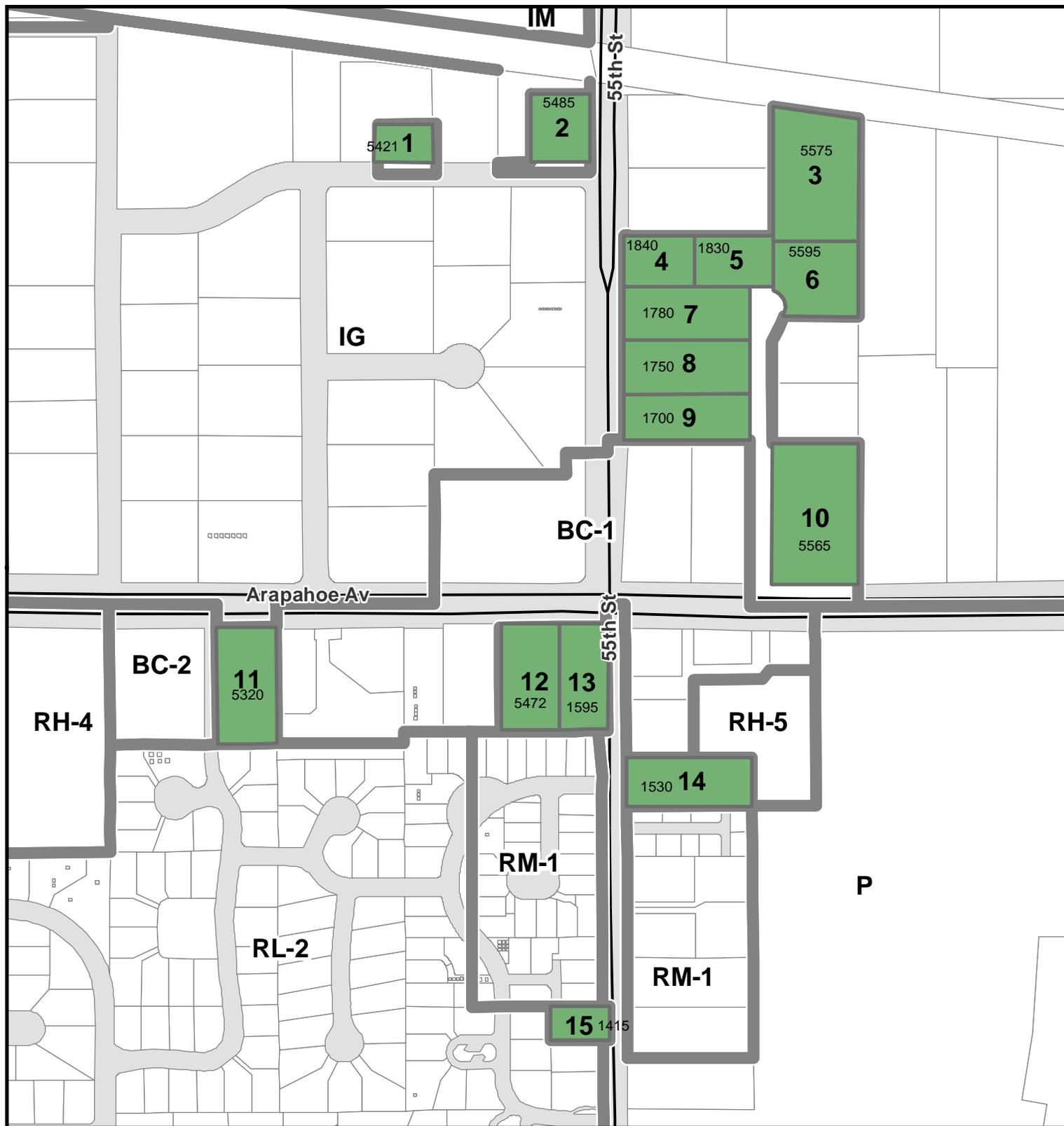
Typically these requirements are implemented as part of some type of redevelopment or major improvement of the property. For a property that is already annexed into the city, dedications and public improvements are considered at the following times: subdivision, or issuance of a building permit for new development, or redevelopment involving a change in use or the addition of a dwelling unit.

The objective is to bring the infrastructure up to minimal city standards, including pavement, curb, gutters, and sidewalks that are necessary to serve the property. This section of the code is drafted to insure that dedications and public improvements are roughly proportional to the impact that the development has on the city's transportation system.

Q: What tax increase will I be subject to by the annexation?

A: Property owners will be responsible for the city mil levy due January 1, 2018, based on the 2017 assessed valuation. Currently that mil levy is about 12 mills but usually goes down as assessed valuation increases. Property owners paying the debt portion of the Rocky Mountain Fire District tax will continue to pay that portion, but will be removed from the district and the mil levy for its general purposes. Property owners who are not already in the Northern Colorado Water Conservancy Subdistrict will also have that mil levy added.

City of Boulder Vicinity Map



55th and Arapahoe Enclave Annexations



1 inch = 350 feet



The information depicted on this map is provided as graphical representation only. The City of Boulder provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained herein.

	Parcel Address	Owner	Parcel Size	Current Tenants	BVCP Land Use	County Zoning	Proposed Initial Zoning	Current Building Size	Development Potential	Current City Utilities
1	5421 Western Ave.	Bruce F. Lindeke	0.35 ac	Bolind, Inc. (commercial printing), IMAGINE!/CORE Labor (employment center for the disabled)	Light Industrial	Light Industrial	IG	8,088 sq. ft.	None	sewer
2	5485 Western Ave.	Murphy Steele Partners LLC	0.63 ac	Go Green Flooring (retail); Way of the Crane Martial Arts School; Boulder Ki Aikido (dojo); Street Wiz Self Defense Workshops	Light Industrial	Light Industrial	IG	10,425 sq. ft.	Yes (3,300 sq.ft.)	sewer
3	5575 Arapahoe Ave.	5575 Arapahoe LLC	1.71 ac	Roger Reutimann (sculptor); Organo-Lawn (vehicle storage); His Way Herbs (marijuana manuf.); Redwood Landscape	Light Industrial	Light Industrial	IG	15,576 sq. ft.	Yes (21,606 sq.ft.)	none
4	1840 N.55th St.	Neal L. Andrews Jr.	0.56 ac	Ferguson Plumbing Supplies	Light Industrial	Light Industrial	IG	7,630 sq. ft.	Yes (4,669 sq.ft.)	sewer/water
5	1830 N.55th St.	Colorado Green Building Company LLC	0.63 ac	Appears vacant	Light Industrial	Light Industrial		13,824 sq. ft.	None	none
6	5595 Arapahoe Ave.	5595 Arapahoe LLC	0.96 ac	Boom Town LLC, Cannixtracts LLC, His Way Herbs, Medicine Man	Light Industrial	Light Industrial	IG	26,624 sq. ft.	None	none
7	1780 N.55th St.	55th Street LLC	1.06 ac	Surna (engineering systems for cannabis); Hydro Innovations (climate control systems); Wild Goose Engineering (canning systems or beer industry)	Light Industrial	Light Industrial	IG	9,200 sq. ft.	Yes (13,843 sq.ft.)	none
8	1750 N.55th St.	Tebo/Kruse LLC	1.06 ac	Allen Scientific Glass; Boulder Dinner Theater Scene Shoppe	Light Industrial	Light Industrial	IG	23,000 sq. ft.	None	none

9	1700 N.55th St.	1700 N.55th LLC	0.91 ac	Audio Information Network; Corkscrews Wine Storage; RM3 Labs (marijuana manuf.); Sweet Mary Jane (marijuana products)	Light Industrial	Light Industrial	IG	16,816 sq. ft.	Yes (2,762 sq.ft.)	none
10	5565 Arapahoe Ave.	5565 Arapahoe LLC	1.90 ac	Hospice Care & Share Thrift Store; Glass Doctor; Green Tree Medicinals (marijuana dispensary)	Light Industrial	Commercial	IG	29,840 sq. ft.	Yes (11,593 sq.ft.)	sewer/water
11	5320 Arapahoe Ave.	Herbert Keishold Trust et.al.	1.09 ac	Boulder Wellness Center (marijuana dispensary); Root Medical Marijuana (marijuana dispensary); Boulder Valley Center for Derrmatology; Integrative Psychiatric Healing Center	Community Business	Commercial	BC-1	10,519 sq. ft.	Yes (15,617 sq.ft.)	sewer
12	5472 Arapahoe Ave.	Arapahoe LLC	0.96 ac	Enterprise Rent-a-Car; Auto Repair Place	Community Business	Commercial	BC-1	13,022 sq. ft.	Yes (10,008 sq.ft.)	sewer
13	1595 N.55th St.	AJ Investments LLP	0.81 ac	Shell Service Station	Community Business	Commercial	BC-1	1,125 sq. ft.	Yes (18,386 sq.ft.)	sewer/water
14	1530 N.55th St.	MG Properties LLC	0.95 ac	Scott Cox and Associates (Engineering/Professional Office)	Transitional Business	Transitional	BT-1	?	Yes	sewer
15	1415 N.55th St.	Susan D. Palmer	0.31 ac	Single Family Residential	Residential - Medium Density	Suburban Residential	RM-1	?	Yes	none

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 members 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 message, 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 should any message 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 members agree to email the city manager about issues 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.
- Council members will keep the full council informed on issues from committees, public groups, or other agencies they are following, through Hotline emails, 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 email 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 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 the Mayor and Members of Council, noting that written communications from the committees are appropriate as well.

Selection of Mayor and Mayor Pro Tem:

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
 - make their interest in the position know to their fellow members as soon as possible;
 - focus their communication with other council members on the positive attributes the member brings to the position; and
 - refrain from making any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals may make presentations that 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 engender trust from the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

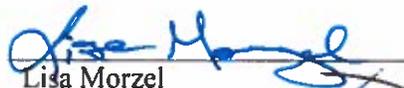
Agreed this 29th day of February, 2016.


Matthew Appelbaum


Aaron Brockett

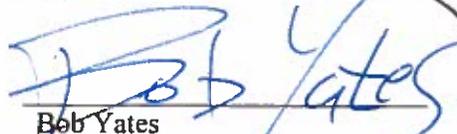

Jan Burton


Suzanne Jones


Lisa Morzel


Andrew Shoemaker


Sam Weaver


Bob Yates


Mary Young

City Attorney's Office - Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> • <u>Cooperative Housing Code Changes</u> 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> • Council Study Session 	<ul style="list-style-type: none"> • Draft Code changes first reading 	<ul style="list-style-type: none"> • Finalize code changes 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
<ul style="list-style-type: none"> • <u>Marijuana Code Changes</u> 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> • Council approval of charter and panel • Possible first reading of priority items 	<ul style="list-style-type: none"> • Implement Marijuana Panel Recommendations 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
<ul style="list-style-type: none"> • <u>Open Space Land Transfer Ordinance</u> 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> • OSBT Hearing • Introduction and first reading • Second reading and adopting 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
<ul style="list-style-type: none"> • <u>Election Code Revisions</u> 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> • Introduction and first reading • Second reading and adopting 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪

City Manager’s Office Resilient Boulder Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> ▪ City Resilience Strategy draft, completion, and roll out. The City Resilience Strategy provides a roadmap for building resilience in the city. The strategy should trigger action, investment, and support within city government and from outside groups. It will be published in print and online. 	<ul style="list-style-type: none"> ▪ Contract Graphic Design ▪ Contract Printing Services ▪ Contract Web design services ▪ Community event support ▪ Impacts to other departments include content contributions, review and revisions, and implementation activities as appropriate 	<ul style="list-style-type: none"> ▪ Drafts 1-3 – content, graphics, layout, web design ▪ Council Study Session – Big Sort interactive exercise ▪ 2 large public workshops in cooperation with CU ▪ Resilience metric, valuation and scenario planning methodology development 		<ul style="list-style-type: none"> ▪ Council Study Session 	<ul style="list-style-type: none"> ▪ Final strategy approval and release 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
<ul style="list-style-type: none"> ▪ Resilience Americorps community preparedness volunteer program development 	<ul style="list-style-type: none"> ▪ Time and management impacts primarily to the Neighborhood Liaison, Fire/Rescue, OEM, and climate commitment ▪ 	<ul style="list-style-type: none"> ▪ Project initiation, foundational research, project scoping 	<ul style="list-style-type: none"> ▪ On-going program design 	<ul style="list-style-type: none"> ▪ On-going program design 	<ul style="list-style-type: none"> ▪ Present project proposal to Council ▪ Recruit year 2 Americorps volunteers ▪ 	<ul style="list-style-type: none"> ▪ Implementation activities per proposed program design 	<ul style="list-style-type: none"> ▪ Implementation activities per proposed program design
<ul style="list-style-type: none"> ▪ CityLinks – Shimla, India Climate Adaptation Exchange Program 	<ul style="list-style-type: none"> ▪ Project design alignment with Climate Commitment and scenario activity development 	<ul style="list-style-type: none"> ▪ Draft and finalize climate impacts on water sector public participation workshop and supporting science materials ▪ Exchange trip 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪

<ul style="list-style-type: none"> ▪ 100 Resilient Cities programmatic elements, network contributions, and partner management 	<ul style="list-style-type: none"> ▪ Multiple resource contributions via technical partners to various departments including IR, Climate Commitment, BVCP, OSMP, Economic Vitality 	<ul style="list-style-type: none"> ▪ Economic resilience analysis draft ▪ BVCP resilience assessment and recommended integration actions ▪ Community 'Safe Haven' network design draft ▪ Urban Forest Canopy analysis ▪ Foundational research on resilience metric, valuation, and scenario planning methodology 	<ul style="list-style-type: none"> ▪ 100RC Network peer exchange ▪ 100RC technical partner platform local showcase and recruitment event ▪ Presentation on resilience metric, valuation, and scenario planning methodology ▪ Partner alignment with strategy initiatives 	<ul style="list-style-type: none"> ▪ Development of resilience metrics ▪ Development of community scenario planning activities and exercises ▪ Partner alignment with strategy initiatives 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
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Communication Department Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> ▪ Community Newsletter – The City of Boulder community newsletter would be an 8 to 24–page bimonthly product mailed to postal route residences within the city and additional copies available in public buildings 	<ul style="list-style-type: none"> ▪ Contract Graphic Design ▪ Contract Printing Services ▪ Contract Mailing Services ▪ Impacts to other departments include content contributions and artwork 	<ul style="list-style-type: none"> ▪ Hire a Communication Specialist 2 to implement newsletter ▪ Hire a contract graphic designer ▪ Solicit print bids and secure printer ▪ Secure mail house services ▪ Design newsletter templates ▪ Develop Volume 1-issue 1 editorial slate, write content, print newsletter 	<ul style="list-style-type: none"> ▪ Mail Volume 1-issue 1 ▪ Develop Volume 1-issue 2 editorial slate, write content, print newsletter ▪ Mail Volume 1-issue 2 	<ul style="list-style-type: none"> ▪ Develop Volume 1-issue 3 editorial slate, write content, print newsletter ▪ Mail Volume 1- issue 3 ▪ Develop Volume 1-issue 4 editorial slate, write content, print newsletter 	<ul style="list-style-type: none"> ▪ Mail Volume 1-issue 4 ▪ Develop Volume 1-issue 5 editorial slate, write content, print newsletter ▪ Mail Volume 1-issue 5 	<ul style="list-style-type: none"> ▪ Develop Volume 2-issue 1 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 1 ▪ Develop Volume 2-Issue 2 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 2 ▪ Develop Volume 2-issue 3 editorial slate, write content, print newsletter ▪ Assess Newsletter for 2018 budget consideration ▪ Mail Volume 2-issue 3 	<ul style="list-style-type: none"> ▪ Develop Volume 2-issue 4 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 4 ▪ Develop Volume 2-issue 5 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 5 ▪ Develop Volume 2-issue 6 editorial slate, write content, print newsletter ▪ Mail Volume 2-issue 6

Community Vitality Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<u>University Hill Reinvestment Strategy</u>	Planning, Housing & Sustainability; Boulder Police Department; Library Arts; Finance; City Attorney’s Office; Public Works	<ul style="list-style-type: none"> • RSD evaluation • Draft transients policy handout for businesses • 2A-funded tree irrigation improvements implementation • Coordination of Hillanthropy cleanup program • Engage consultant to prepare National Register Historic District Application • Initiate Hill Employee EcoPass Program • Coordinate design of 2A-funded event street • Coordinate recommendation for long-term Hill governance and funding • Prepare funding options for public improvements • Draft 2017 HRS Work Plan • Coordinate with CU to determine overall process and schedule • Compile data & analyze preliminary options to address city goals re: CU conference center/hotel 	<ul style="list-style-type: none"> • RSD recommendation • Start enforcement of commercial bear-proof can requirements • Hillanthropy cleanup of Hill Commercial Area • Submit National Register Historic District application • Initiate planning process for Hill Commercial Area (HCA) façade improvement program • Implementation of Hill Employee EcoPass Program, cont. • Coordinate recommendation for long-term Hill governance and funding, cont. • Present funding options for public improvements to Council • Draft 2017 HRS Budget • Provide input to CU’s conference center/hotel design development process & explore possible city investments 	<ul style="list-style-type: none"> • Enforcement of commercial bear-proof can requirements, cont. • Hillanthropy cleanup of Residential Service District • Revise HCA façade improvement program • Implementation of Hill Employee EcoPass Program, cont. • Coordinate recommendation for long-term Hill governance and funding, cont. • Pursue funding options for public improvements • Refine & analyze city investment options relative to CU conference center/hotel • Seek Council direction on city investment options relative to CU conference center/hotel 	<ul style="list-style-type: none"> • Enforcement of commercial bear-proof can requirements, cont. • Hillanthropy cleanup with Parks Department • Implementation of Hill Employee EcoPass Program, cont. • Coordinate recommendation for long-term Hill governance and funding, cont. • Pursue funding options for public improvements, cont. • Draft Phase Two HRS Work Plan, 2017-2019 • Implementation of CU conference center/hotel tasks TBD depending on Council direction and CU’s issues and schedule 	<ul style="list-style-type: none"> • Work Plan to be determined in 2016 	<ul style="list-style-type: none"> • Work plan to be determined in 2016

Access Management and Parking Strategy (AMPS)

Public Works, Transportation; Planning, Housing + Sustainability; City Manager's Office

- CAMP: Planning, process and research on the Chautauqua Access Management Plan (CAMP)
- Parking Code: next steps; data collection
- Civic Area Access/Parking implementation
- TDM plans for new development, draft refined options
- Update downtown (CAGID) development and access projections including parking supply/demand and TDM strategies

- CAMP: Data collection
- Parking Code: data collection; analysis; research coordination with other initiatives
- Satellite Parking evaluation of options, including BCH, outreach
- Civic Area Access/Parking evaluation
- Pricing (including fines): goals, research, outreach
- TDM plans for new development, review options
- Downtown development and access projections – outreach to boards
- AMPS Strategy Document outline

- CAMP: Data collection and evaluation, outreach
- NPP: Scope and analysis, outreach
- Parking Code: Analysis, data collection, best practice research, memos; coordination
- Hill Alleys Master Plan scope and consultant selection
- Satellite Parking – develop recommendations, outreach
- Civic Area Access/Parking evaluation
- Pricing: practitioners panel, outreach
- TDM plans for new development: draft recommendations
- Downtown development and access projections – program recommendations
- Car Share: develop options and draft recommendations for pilot program
- AMPS Strategy Document development

- CAMP: Develop scenarios, outreach
- NPP: Options development, outreach
- Parking Code: study off street parking regulations; coordinate with TDM plan recommendations, memo prep, research new NPP's; analysis
- Hill Alleys Master Plan – plan development, recommendations, outreach
- Satellite Parking pilot implementation
- Pricing: identification of options, outreach
- Market downtown parking cash-out pilot in conjunction with EcoPass renewal
- Car Share proposal for 2017 pilot program
- AMPS Strategy Document draft

- CAMP: evaluate and select pilot scenario
- NPP: program recommendations
- Draft/finalize Parking Code and TDM standards ordinance, Strategy Document evaluation criteria; memo prep
- Pricing: Memo prep, outreach
- Market downtown parking cash-out pilot in conjunction with EcoPass renewal
- Car share pilot program (if approved)
- Finalize AMPS Strategy Document

- CAMP: Pilot implementation
 - Code/TDM: prepare for implementation

Energy Strategy and Electric Utility Development Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> ▪ Legal and regulatory filings 	<ul style="list-style-type: none"> ▪ City Attorney's Office in lead, support from Energy Strategy and Electric Utility Development 	<ul style="list-style-type: none"> ▪ Prepare for filing of transfer of assets supplemental application, including negotiations with Xcel Energy to provide the city data (the model) 	<ul style="list-style-type: none"> ▪ Preliminary discovery (Xcel) for Colorado Public Utilities Commission (PUC) filing of transfer of assets supplemental application 	<ul style="list-style-type: none"> ▪ File transfer of assets supplemental application with the Colorado PUC 	<ul style="list-style-type: none"> ▪ Colorado PUC discovery process, prepare for PUC hearing and rebuttal 	<ul style="list-style-type: none"> ▪ Hearing on transfer of assets application ▪ PUC decision on the transfer of assets ▪ Based on PUC outcome, update appraisals and negotiate with Xcel to acquire the assets; if negotiations are not successful, prepare to re-file condemnation with the Boulder District Court ▪ Continue acquisition process by agreement or re-file condemnation petition with the Boulder District Court ▪ File transition plan with the PUC 	<ul style="list-style-type: none"> ▪ Condemnation court (if necessary)

<ul style="list-style-type: none"> ▪ Transition work plan implementation - including analysis of information provided through discovery and PUC decisions. Key areas of focus: Information Technology systems, Operations and Maintenance, Customer Service, Power Supply, Energy Services, Finance and Accounting, and other support functions 	<ul style="list-style-type: none"> ▪ Energy Strategy and Electric Utility Development Department ▪ IT Department ▪ PW Department <ul style="list-style-type: none"> • Utility Billing • Development Review ▪ Planning, Housing + Sustainability Department ▪ Finance Department <ul style="list-style-type: none"> • Budget • Finance • Accounting • Purchasing • Risk Management ▪ HR Department ▪ Legal 	<ul style="list-style-type: none"> ▪ Develop 2017 budget and financial forecast ▪ Develop agreement with Xcel Energy for discovery information provided for PUC filing and to inform system capital investment and operations planning ▪ Information Technology Systems: Define scope and budget of Information Technology systems needed for Day 1 operations ▪ Customer Service: Initiate a work plan for system modifications to the city's existing customer billing and information system, continued work on the key account program, and develop policies and procedures to support a customer focused organization ▪ Operations and Maintenance: Select potential vendors for operations and maintenance of the electric system ▪ Power Supply: Continue to work with Xcel to develop terms and conditions that could support power supply for the city ▪ Energy Services: Continue development of energy services for a new utility, work with the Energy Services Working Group to assist in this process, Energy Services with existing Planning, Housing + Sustainability work 	<ul style="list-style-type: none"> ▪ Develop 2017 budget and financial forecast ▪ Begin analysis of Xcel Energy discovery information provided for PUC filing and to inform system capital investment and operations planning ▪ Information Technology Systems: Refine scope and budget, evaluate Information Technology systems needed for Day 1 ▪ Customer Service: Continued work on the key account program, and refine policies and procedures to support a customer focused organization ▪ Operations and Maintenance: In discussions with selected vendors for operations and maintenance of the electric system, evaluate options and refine operations, construction, reliability and safety policies, procedures, standards and requirements ▪ Power Supply: Continue to work with Xcel to develop terms and conditions that could support power supply for the city ▪ Energy Services: Continue development and implementation of interim energy services, coordinated with Planning, Housing + Sustainability work 	<ul style="list-style-type: none"> ▪ Continue analysis of Xcel Energy discovery information provided through PUC transfer of assets process ▪ Information Technology Systems: Refine scope and budget, evaluate Information Technology systems needed for Day 1 operations based on Xcel Energy discovery information provided for PUC filing ▪ Customer Service: Refine the work plan for system modifications to the city's existing customer billing and information system based on Xcel Energy discovery information provided for PUC filing, continued work on the key account program, and refine policies and procedures to support a customer focused organization ▪ Operations and Maintenance: Further refine scope for vendors and policies/ procedure for the utility ▪ Power Supply: Continue to work with Xcel to develop terms and conditions that could support power supply for the city, evaluate Xcel Energy discovery information provided through PUC transfer of assets process, work with the Resource Working Group to monitor market conditions, explore resource opportunities and review potential agreements with power producers 	<ul style="list-style-type: none"> ▪ Continue analysis of Xcel Energy discovery information provided through PUC transfer of assets process ▪ Information Technology Systems: Implement Information Technology systems needed for Day 1 operations based on Xcel Energy discovery information provided through PUC transfer of assets process ▪ Customer Service: Implement the work plan for system modifications to the city's existing customer billing and information system based on Xcel Energy discovery information provided through PUC transfer of assets process, continued work on the key account program, and refine policies and procedures to support a customer focused organization ▪ Operations and Maintenance: Further refine scope for vendors and policies/procedure for the utility ▪ Power Supply: Continue to work with Xcel to finalize terms and conditions that could support power supply for the city, evaluate Xcel Energy discovery information provided through PUC transfer of assets process, work with the Resource Working Group to monitor market conditions, explore resource opportunities and review potential agreements with power producers, develop a resource modeling tool to evaluate power supply options 	<ul style="list-style-type: none"> ▪ Work with Xcel to negotiate a smooth transition of operations and file plan with the PUC ▪ Develop 2018 budget and financial forecast ▪ Information Technology Systems: Continue implementation of Information Technology systems needed for Day 1 operations based on PUC decision regarding transfer of assets, additional IT support staff on-board to assist with implementation ▪ Customer Service: Implement the work plan for system modifications to the city's existing customer billing and information system based on Xcel Energy discovery information provided through PUC transfer of assets process, continued work on the key account program, and refine policies and procedures to support a customer focused organization ▪ Operations and Maintenance: Finalize contract negotiations with selected vendors and work with vendors to define operations of the electric system, evaluate options and refine operations, maintenance, construction, reliability and safety policies, procedures, standards and requirements based on PUC decision regarding transfer of assets ▪ Power Supply: Finalize terms and conditions for power supply for the city based on PUC decision regarding transfer of assets 	<ul style="list-style-type: none"> ▪ Information Technology Systems: Continue implementation of Information Technology systems needed for Day 1 operations ▪ Customer Service: Implement the work plan for system modifications to the city's existing customer billing and information system based on PUC decision regarding transfer of assets, Operations and Maintenance: Continue to work with selected vendors to define operations of the electric system, evaluate options and refine operations, maintenance, construction, reliability and safety policies, procedures, standards and requirements ▪ Power Supply: Continue to work with Xcel to support power supply for the city and coordinate a power delivery schedule and ancillary services, work with the Resource Working Group to monitor market conditions, explore resource opportunities and review potential agreements with power producers
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<ul style="list-style-type: none"> ▪ Resilient Energy – Resilient Electricity Delivery Infrastructure (REDI) DOE Grant ▪ Energy Policy Reform Coalition ▪ Solar Development 	<ul style="list-style-type: none"> ▪ City Manager’s Office ▪ Planning, Housing + Sustainability ▪ Public Works <ul style="list-style-type: none"> • Utilities 	<ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Refine scope ▪ Energy Policy Reform Coalition: Focus on recruiting coalition members to Colorado Communities for Climate Action (CC4CA), begin formulating policy agenda for regulatory and legislative changes that support reducing emissions and climate initiatives ▪ Solar Development: Begin development of a comprehensive solar strategy, evaluation of potential solar garden opportunities, other recommendations from the Solar Working Group 	<ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Continue to refine scope, issue an RFP and hire contractor ▪ Energy Policy Reform Coalition: Develop RFP and hire lobbying firm to represent CC4CA at state capital, continue development of policy agenda ▪ Solar Development: Continue development of solar strategy, evaluation of potential solar garden opportunities, evaluate other recommendations from the Solar Working Group 	<ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Develop RFP for firm to represent CC4CA at PUC and other regulatory bodies, work with legislators between sessions to develop name recognition ▪ Solar Development: Continue development of solar strategy, evaluation of potential solar garden opportunities, evaluate other recommendations from the Solar Working Group 	<ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Engage in key legislative and regulatory proceedings concurrent with mission ▪ Solar Development: Finalize solar strategy, align targets with Climate Commitment Goals, implement recommendations from the Solar Working Group 	<ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Ongoing work at the local and state level for regulatory and legislative changes that support reducing emissions, local decision making and a new energy future ▪ Solar Development: Work with the Solar Working Group to develop solar projects and generation strategies to further expand solar in the city 	<ul style="list-style-type: none"> ▪ Resilient Energy Infrastructure DOE Grant: Project Implementation ▪ Energy Policy Reform Coalition: Ongoing work at the local and state level for regulatory and legislative changes that support reducing emissions, local decision making and a new energy future ▪ Solar Development: Work with the Solar Working Group to develop solar projects and generation strategies to further expand solar in the city
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Finance Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<u>Annual Budget Process</u>	Finance in collaboration with all city departments update Council regarding how previous year finished; serves as early warning if there are economic red flags or new concerns	<ul style="list-style-type: none"> • Supplementary Appropriations (Adjustments to Base) • Strategic Planning for financial operations and capital 	<ul style="list-style-type: none"> • Supplementary Appropriations (Adjustments to Base) • Strategic Planning • Budget Development • CIP Development, Preparation and Review 	<ul style="list-style-type: none"> • Strategic Planning • Budget Development, Preparation and Review • CIP Review • Study Session on the budget 	<ul style="list-style-type: none"> • Budget Review and Adoption • Adjustments to Base • Strategic Planning 	<ul style="list-style-type: none"> • Adjustments to Base • Strategic Planning • Adjustments to Base • Strategic Planning • Budget Development • CIP Development, Preparation and Review 	<ul style="list-style-type: none"> • Strategic Planning • Budget Development, Preparation and Review • CIP Review • Budget Review and Adoption • Adjustments to Base • Strategic Planning
<u>Ballot Items</u>	CMO/CAO/Finance/Communications/City Clerk's office, and Departments gather ballot items	<ul style="list-style-type: none"> • Gathering information and background on potential ballot items for the city and what other governmental entities may bring forward in November 	<ul style="list-style-type: none"> • May study session and council meeting on potential ballot items. 	<ul style="list-style-type: none"> • Final ballot items have to be passed by council by last meeting in August to meet County deadlines 	<ul style="list-style-type: none"> • Ballot questions are voted on first Tuesday in November. 	<ul style="list-style-type: none"> • Gathering information on potential ballot items • May study session and council meeting on potential ballot items. 	<ul style="list-style-type: none"> • Final ballot items have to be passed by council by last meeting in August to meet County deadlines • Ballot questions are voted on first Tuesday in November

Fire Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> Fire Station Relocation Project 	<ul style="list-style-type: none"> Fire FAM Purchasing Finance Public Works Legal CMO 	<ul style="list-style-type: none"> Property Search 	<ul style="list-style-type: none"> Property search Develop funding strategy 	<ul style="list-style-type: none"> Property search Develop funding strategy 	<ul style="list-style-type: none"> Property search Develop funding strategy Confidential memo to council 		
<ul style="list-style-type: none"> Emergency Medical Services 	<ul style="list-style-type: none"> Fire Police Purchasing Legal CMO Information Resources 	<ul style="list-style-type: none"> EMS service delivery report preparation 	<ul style="list-style-type: none"> EMS service delivery report preparation 	<ul style="list-style-type: none"> EMS service delivery report preparation Bid evaluations and award for medical direction and ambulance services Solicitations for medical direction and ambulance service 	<ul style="list-style-type: none"> Presentation to council Draft plan for EMS delivery 	<ul style="list-style-type: none"> Complete Ambulance specifications Negotiations with Local 900 EMS delivery IP to city manager and city council 	<ul style="list-style-type: none"> RFP development for box type ambulance

Human Services Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
Human Services Strategy Update and Adoption	<ul style="list-style-type: none"> ▪ Communications, Police, Parks and Recreation, Library, Planning, Housing, Transportation, FAM/PW, Budget/Finance ▪ Library Commission, Human Relations Commission, Parks and Recreation Advisory Board, Immigrant Advisory Committee, Youth Opportunity Advisory Board, Human Services Fund Advisory Committee ▪ Civic Area Plan staff coordination ▪ Resilience Strategy coordination 	<ul style="list-style-type: none"> ▪ Community Engagement ▪ Community Funding Options Development ▪ Assess partnerships 	<ul style="list-style-type: none"> ▪ Community engagement ▪ Development of community funding and direct services options ▪ Internal and external partnerships assessments and projects 	<ul style="list-style-type: none"> ▪ Community engagement ▪ Budget, Capital Program ▪ Development of community funding and direct services options ▪ Internal and external partnerships assessments and projects 	<ul style="list-style-type: none"> ▪ Draft strategy ▪ Strategy adoption ▪ Organizational Strategy ▪ Implementation Plan 	<ul style="list-style-type: none"> ▪ Implementation ▪ Metrics and evaluation plan 	<ul style="list-style-type: none"> ▪ Implementation ▪ Metrics and evaluation
Homelessness Strategy and Action Plan Adoption	<ul style="list-style-type: none"> ▪ Communications, Police, Municipal Court, Parks and Recreation, Library ▪ Library Commission, Human Relations Commission, Immigrant Advisory Committee 	<ul style="list-style-type: none"> ▪ Community Engagement ▪ Homelessness Action Plan Project Implementation 	<ul style="list-style-type: none"> ▪ Community Engagement ▪ Portland/Eugene Trip ▪ New projects - TBD 	<ul style="list-style-type: none"> ▪ Community Engagement ▪ Draft Strategy 	<ul style="list-style-type: none"> ▪ Strategy adoption (PH) ▪ Continued implementation of Action Plan 	<ul style="list-style-type: none"> ▪ Homelessness Action Plan Projects Implementation 	<ul style="list-style-type: none"> ▪ Homelessness Action Plan Projects Implementation
Options to Expand Living Wage Resolution 926 Council Consideration	<ul style="list-style-type: none"> ▪ HR, CAO, Finance, FAM ▪ Human Relations Commission 	<ul style="list-style-type: none"> ▪ Analysis of recommendations ▪ City Council: Feb. – Options to Expand Resolution 926 	<ul style="list-style-type: none"> ▪ Analysis of Council direction ▪ Development of options ▪ City Council: June update on analysis and direction 	<ul style="list-style-type: none"> ▪ TBD- Analysis of Council recommendations as part of 2017 budget 	<ul style="list-style-type: none"> ▪ Final adoption of Living Wage changes 		

Human Services Key 2016 and 2017 Work Items (page 2)

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
Safe + Welcoming Community	<ul style="list-style-type: none"> ▪ City Manager 's Office, Police Dept, Human Relations Commission, CAO 	<ul style="list-style-type: none"> ▪ HRC Meetings (3) ▪ Report to City Council on Independent Analysis of Police Data and Review of Professional Police Complaint Processes 	<ul style="list-style-type: none"> ▪ Community Perceptions Survey contract development ▪ Survey implementation 	<ul style="list-style-type: none"> ▪ Report to City Council on results of Community Perceptions Survey ▪ HRC Work Plan Recommendations to Council ▪ HS Work Plan and Strategy recommendations 	<ul style="list-style-type: none"> ▪ Adoption of strategy ▪ Implementation of work plan 	<ul style="list-style-type: none"> ▪ Implementation of work plan 	

Information Technology Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> ▪ Community Broadband and Wi-Fi Initiatives 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> • Continue consultant-assisted needs assessment 	<ul style="list-style-type: none"> • Wrap up needs assessment 	<ul style="list-style-type: none"> • Present findings and recommendations 	<ul style="list-style-type: none"> • TBD – dependent on outcome of council review of findings and recommendations 	<ul style="list-style-type: none"> • TBD – dependent on outcome of council review of findings and recommendations 	<ul style="list-style-type: none"> • TBD – dependent on outcome of council review of findings and recommendations

Library Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<p>Library Master Plan Update – This includes:</p> <ul style="list-style-type: none"> ▪ A needs assessment ▪ A robust community engagement process ▪ Update of the library’s mission, vision, and guiding principles for decision making ▪ Development and financial analysis of service delivery model options ▪ Development of performance measures and service standards ▪ An action plan and implementation strategy 	<ul style="list-style-type: none"> ▪ Consultants and a professional facilitator will be engaged for parts of the project ▪ The project manager will consult colleagues in Parks and Rec, Human Services, Planning and Public Works on project process development. ▪ Members of the City Managers and Budget Teams will serve on the staff Technical Advisory Group ▪ The Library’s Communications Specialist III will assist with public information & document review ▪ The Library’s Budget Analyst will assist with the financial analysis & budget planning ▪ Selected M-Team members will be asked to review the final draft plan & offer constructive feedback on presentations to Planning Board and City Council ▪ Facilities and Asset Management will be consulted on the aspects of the plan that address capital and facilities maintenance. 	<ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings 	<ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings 	<ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings Communications support for outreach, education, & promotion kick off 	<ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings ▪ Communications support for public information for community engagement process including surveys ▪ December City Council Study Session – Communications & M-Team support 	<ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings (up to 24) ▪ Communications support for public information for community engagement process ▪ Budget Analyst support for financial analysis ▪ Consult with Facilities and Asset Management on the aspects of the plan that address capital and facilities maintenance. 	<ul style="list-style-type: none"> ▪ Technical Advisory Committee meetings ▪ July Planning Board Presentation - Communications & M-Team support ▪ October City Council Final Presentation & Plan adoption – Communications & M-Team support ▪ Budget Analyst support for 2018 budget and Capital Development Program planning

Library Arts Key 2016 and 2017 Work

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> ▪ <u>Public Art Policy</u> Drafting and operation of a new policy to govern municipal commissioning, maintenance and legacy of public art. 	<ul style="list-style-type: none"> ▪ Consultation with Boards & Commissions including the BAC, BDAB, Boulder Junction, Downtown, Landmarks, Library, PRAB, Planning, Transportation, and Univ. Hill Boards and Commissions. ▪ Consultation on legal and budget matters. ▪ Consultation with staff across city agencies. ▪ Once adopted, the program will require the investment of staff from the P&R, Planning, Transportation, Community Vitality, Public Works, FAM, and other agencies as a team to support Office of Arts + Culture staff on all steps in the public art process. 	<ul style="list-style-type: none"> ▪ Drafting, vetting, and adopting the Public Art Policy ▪ Installations for <i>Experiments in Public Art</i> begin. ▪ Other commissioning and maintenance projects continue. ▪ Inquiry for the Public Art Policy drafting. 	<ul style="list-style-type: none"> ▪ Drafting, vetting, and adopting the Public Art Implementation Plans. ▪ Commissioning begins for new projects. ▪ New maintenance projects begin. ▪ Events to launch the Public Art program. ▪ Public Inquiry for new commissions begins. 	<ul style="list-style-type: none"> ▪ Commissioning continues for new projects. ▪ Continuing events to launch the public art program. ▪ Public Inquiry for new commissions continues. 	<ul style="list-style-type: none"> ▪ Investigation of sustainable funding for Public Art begins. ▪ Commissioning continues for new projects. ▪ Public Inquiry for new commissions continues. ▪ Annual Report. 	<ul style="list-style-type: none"> ▪ Options for sustainable public art funding developed and vetted. ▪ Commissioning continues for new projects. ▪ Public Inquiry for new commissions continues. ▪ Proposal for sustainable funding finalized. ▪ Language for new rules, policies, procedures or ordinances finalized. ▪ Community engagement on sustainable funding. ▪ Public Inquiry for new commissions continues. 	<ul style="list-style-type: none"> ▪ Adoption of new rules, policies, procedures or ordinances. ▪ Budget integration. ▪ Commissioning continues for new projects. ▪ Public Inquiry for new commissions continues. ▪ Preparations for implementation of sustainable funding in Q1 2018. ▪ Commissioning continues for new projects. ▪ A public vote may be required in the Nov election. ▪ Public Inquiry for new commissions continues. ▪ Annual Report.
<ul style="list-style-type: none"> ▪ <u>Policy on Murals and Art in Public Places</u> A guidance document to align city staff for the encouragement of the commissioning of artworks for the public by private individuals, businesses, developers, and others. 	<ul style="list-style-type: none"> ▪ Consultation with Boards & Commissions including the BAC, BDAB, Landmarks, PRAB, Planning, and Transportation Boards and Commissions. ▪ Consultation on legal and budget matters. ▪ Consultation with staff across city agencies. ▪ Once adopted, the program will require the investment of staff from the Planning and Public Works departments. 		<ul style="list-style-type: none"> ▪ Drafting and vetting of the Murals and Art in Public Places Policy. ▪ Inquiry for the draft policy. 	<ul style="list-style-type: none"> ▪ Policy Adoption 	<ul style="list-style-type: none"> ▪ Public communication. ▪ Annual Report. 		

<ul style="list-style-type: none"> ▪ <u>New Cultural Grants Program</u> A new series of grants for cultural organizations, arts education, and creative professionals. 	<ul style="list-style-type: none"> ▪ Facilitation of the process with the Boulder Arts Commission is required. ▪ Consultation with staff in the Economic Vitality office will enhance the program. 	<ul style="list-style-type: none"> ▪ Deadline for Operational Grants. ▪ Deadline for Community Projects and Arts Ed. Grants. ▪ Launch of Professional Development Scholarships. ▪ Launch of Macky Rental Grants. ▪ Launch of Innovation Fund. ▪ Second 2016 Grants Workshop. 	<ul style="list-style-type: none"> ▪ Deadline for Innovation Fund. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Design of 2017 Grants Program begins. 	<ul style="list-style-type: none"> ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Design of 2017 Grants Program continues. 	<ul style="list-style-type: none"> ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Operational Grant Reporting. ▪ Launch of 2017 All Grants. ▪ 2017 Grants Workshop. ▪ Annual Report. 	<ul style="list-style-type: none"> ▪ Recertification of Operational Grants. ▪ Deadline for Community Projects Grants. ▪ Deadline for Art Education Grants. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Deadline for Innovation Fund. ▪ Operational Grant Reporting. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Design of 2018 Grants Program begins. 	<ul style="list-style-type: none"> ▪ Design of 2018 Grants Program continues. ▪ Ongoing evaluation and inquiry with grant recipients. ▪ Operational Grant Reporting. ▪ Launch of All 2018 Grants. ▪ 2018 Grants Workshop.
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Open Space and Mountain Parks: Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	1 st half 2017	2 nd half 2017
<ul style="list-style-type: none"> North TSA Plan The North TSA plan sets the community vision for 7,700 acres of OSMP-managed lands north of Linden Avenue and the Diagonal Highway. The plan seeks to improve visitor experiences and increase the sustainability of trails and trailheads while conserving and restoring the area's natural, cultural and agricultural resources. 	<ul style="list-style-type: none"> OSMP <ul style="list-style-type: none"> <u>Operating Costs:</u> 2016: \$25,000 2017: \$10,000 <u>Capital Costs:</u> 2016: \$100,000 2017: \$200,000 CAO 	<ul style="list-style-type: none"> Draft plan document Recommendation that Open Space Board of Trustees approve and recommend City Council acceptance 	<ul style="list-style-type: none"> City Council review of and acceptance of North TSA plan. 	<ul style="list-style-type: none"> Integration with 2016 work plan (early implementation actions) Integration with 2017 operating budget Integration with 2017-2022 CIP and 	<ul style="list-style-type: none"> Integration with 2016 work plan (early implementation actions) Integration with 2017 operating budget Integration with 2017-2022 CIP 	<ul style="list-style-type: none"> Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan) 	<ul style="list-style-type: none"> Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan)
<ul style="list-style-type: none"> Agricultural Resources Management Plan The OSMP "Ag Plan" provides the framework for OSMP actions to ensure the long-term sustainability of agricultural operations, the ecological health of OSMP lands, and for fostering community connections with local agriculture systems. 	<ul style="list-style-type: none"> OSMP <ul style="list-style-type: none"> <u>Operating Costs:</u> 2016: \$5,000 2017: \$5,000 <u>Capital Costs:</u> 2016: \$60,000 2017: \$170,000 	<ul style="list-style-type: none"> Plan element development <ul style="list-style-type: none"> Evaluate alternative lease rate polices & financing structures Develop monitoring protocols ID and prioritize infrastructure improvements Evaluation of community farming 	<ul style="list-style-type: none"> Develop Draft Plan Create Plan Outline and internal review of chapters Create content including overview and strategies 	<ul style="list-style-type: none"> Draft Internal Review Plan Document <ul style="list-style-type: none"> Internal review Draft Public Review Plan Document Public Review Develop OSBT draft Plan Document for July or Aug meeting 	<ul style="list-style-type: none"> Staff recommendation to OSBT to approve plan and recommend acceptance by City Council Oct: 2hrs Recommendation to City Council to accept plan Nov: 1 hr 	<ul style="list-style-type: none"> Integration with 2017 operating budget Integration with 2017-2022 CIP Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan) 	<ul style="list-style-type: none"> Implementation of priority plan actions (specific actions dependent upon timing of plan acceptance and content of accepted plan)

<ul style="list-style-type: none"> Visitor Master Plan Update / OSMP Master Plan <p>The Open Space and Mountain Parks (OSMP) Visitor Master Plan (VMP) was accepted by City Council in 2005 with a 10-year planning horizon. The new Master Plan will include updating/refreshing the Visitor Master Plan component and also will take a comprehensive look at delivering on all chartered purposes for the OSMP system including inventory and analysis, evaluation of options and the development of policy and strategic direction to guide the department for the next ten years. The planning process will also consider City Council identified priorities from previous retreats, including incorporating overarching issues (carrying capacity, night-time use, temporal use, etc) and climate change/adaptation.</p>	<ul style="list-style-type: none"> OSMP <ul style="list-style-type: none"> Operating Costs: <ul style="list-style-type: none"> 2016: none 2017: none Capital Costs: <ul style="list-style-type: none"> 2016: \$252,000 2017: \$200,000 2018: \$100,000 2019: \$100,000 <p>OSMP Leadership team will work across department divisions and with representation from across the city to discuss plan at periodic meetings. Additional consultation likely with Parks and Recreation, Transportation, Greenways and Housing.</p>	<ul style="list-style-type: none"> Background Information Gathering 	<ul style="list-style-type: none"> Begin inventory and analysis Identify inventory gaps and needs 	<ul style="list-style-type: none"> Continue inventory, surveying and analysis Compile inventory information into dataset with prioritized critical needs 	<ul style="list-style-type: none"> Continue Inventory, Compilation and Analysis <ul style="list-style-type: none"> Begin development of MP scope, budget and schedule for plan Begin development of community engagement plan Develop initial staff and partner project team formation 	<ul style="list-style-type: none"> Release initial findings from inventory and analysis in terms of portfolio document for OBST, Council and Public Finalize MP scope, budget and schedule for plan Finalize community engagement plan Finalize staff and partner project team formation OSBT Study Session on scope City Council study session on scope Develop community outreach schedule beginning 3rd Qtr 17. 	<ul style="list-style-type: none"> Prepare for community listening sessions beginning in 3rd Qtr 17, send out notifications Seek review/feedback Ask for partner input on engagement with city department, other government organizations, non-profits, and CBO's Develop initial needs, opportunities and benefits analysis in geographic focus areas Public hearing with OSBT. Study session with or IP for City Council. Develop project management plan for MP and community engagement <p>Project continues into 2018 → → → Complete plan during 2019</p>
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Parks and Recreation Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<p>Boulder Urban Forestry Master Plan - In 2015, the Parks and Recreation Department (Forestry Group) presented to Council a proposed strategy to address the on-going Emerald Ash Borer infestation anticipated to affect roughly 11% of Boulder’s urban tree canopy over the next decade. As supported by Council (September 8, 2015), the strategy called for a series of efforts aiding in long-term tree care, directed treatment standards for public trees, community education initiatives, aggressive tree planting and the development of a comprehensive Urban Forestry Master Plan which would aid in the sustainability of Boulder’s urban tree canopy. The development of that Master Plan is the addressed in this project scope.</p> <p>Comprehensive Master Plan document contributing to the sustainability of Boulder’s urban tree canopy. Plan will include and address:</p> <ul style="list-style-type: none"> • Establishment of a baseline figure for urban tree canopy and long term canopy goals; • Tree diversification goals; • Urban heat island mitigation; • Prioritization of tree planting activities; • Pesticide use guidelines for public trees; • Appropriate pesticide use guidelines for private property owners treating public street trees; • Placement and selection of tree species that are 	<p>Key work items include Plan Scope Definition, RFP for related Plan Development and Outreach, Contract for Services, Facilitated Community Outreach Sessions and Mechanisms including but not limited web and print materials, PRAB presentation and Council update. Project can launch and continue within the approved 2016 budget and should be concluded within the year. Launch of contract cannot proceed without purchasing approval. Contract for services will be vetted by CAO. Other Parks & Recreation work (including that of the Forestry group) will not largely be affected by the launch of this project except that the Forestry Manager must devote time to development of the scope and monitoring of the consulting services throughout the year.</p>	<ul style="list-style-type: none"> ▪ Scope proposal/definition ▪ Development of potential contractor’s list ▪ Prep of RFP (with Purchasing) ▪ RFP Issuance and selection of consultant ▪ Update website to announce scope of project ▪ Submit application for grant to supplement outreach/engagement and planning efforts. 	<ul style="list-style-type: none"> ▪ Coordination with Community Building Plan (tree plantings) ▪ PRAB presentation (public meeting) ▪ PRAB Update Presentation (45 minutes) 	<ul style="list-style-type: none"> ▪ Preparation for Council Memo ▪ Website Update with potential social media feedback option ▪ Consulting services and development of the plan ▪ Documenting recommendations and strategies ▪ Development of summary (primary findings and plans) ▪ Community updates, input sessions ▪ CU or other entity involvement 	<ul style="list-style-type: none"> ▪ Communications update ▪ Regular updates via social media and web ▪ Exploration of discount program 	<ul style="list-style-type: none"> ▪ n/a 	<ul style="list-style-type: none"> ▪ n/a

<p>compatible with optimizing rooftop solar capture capacity;</p> <ul style="list-style-type: none"> • Coordination with vegetation management for potential municipalization of the electric utility; • Public outreach and education regarding the benefits of the urban canopy; and • Reforestation of creek corridors with native species. 							
<p>Capital Project Activity - The department master plan and community input identified the need to keep existing assets at a high quality while also providing for enhanced and new recreation facilities and parks to meet the growing needs of the community. With the adoption of Asset Management best practices the department is working to develop a capital investment strategy plan that will reinvest in existing critical assets while developing new facilities and services within a sustainable framework.</p> <p>The Capital Investment Strategy will provide a development framework plan with specific, implementable urban park design and development recommendations for the enhancement of Boulder’s urban park system. The strategy will address the need to investment up to 40 million in existing assets as well as \$24 million in critical aging infrastructure as well as the desire to invest up to \$50 million in enhanced and new facilities as identified in the department’s Master Plan over the next ten years. The plan identifies three investment scenarios that follow the master plan framework of fiscally constrained, action plan</p>	<p>The development of a data driven capital investment strategy requires that the asset management best practices are implemented on existing assets to allow for accurate and data driven decisions on what assets are most critical to the system and which assets may be removed from the inventory to address limited financial resources. In addition the investment strategy relies on a variety of site plans and studies that identify upgrades and new facilities including the master plan, Valmont City Park, Reservoir Master Plan, urban forest management plan, the aquatics facility study as well as plans for Scott Carpenter, Mapleton, Tom Watson and the recreation facility condition report. Finally to be successful the department’s capital investment plan must align with overall city goals for enhanced capital spending to allocate limited resources to those city wide services that are most critical to the community. This process should be coordinated with the larger CIP effort.</p>	<ul style="list-style-type: none"> ▪ Draft CIS report ▪ Internal staff review ▪ PRAB meetings – 4 hours ▪ PRAB review and recommendations on the CIP 	<ul style="list-style-type: none"> ▪ Final CIS report ▪ manager position ▪ Planning Board meeting 2 hours ▪ Planning Board review and recommendation of CIP ▪ BVSD Joint Use Agreement ▪ 	<ul style="list-style-type: none"> ▪ Implementation strategy ▪ Council meetings 4 hours as part of CIP budget ▪ Council acceptance of CIP through the budget process ▪ Council study session and budget meetings ▪ Hire capital investment planning support as part of asset 	<ul style="list-style-type: none"> ▪ Review and revisions as required to CIS report ▪ Meetings with stakeholders and potential donors 	<ul style="list-style-type: none"> ▪ Develop Funding Strategy ▪ Implement funding strategy for key projects ▪ Community Survey and outreach ▪ Continued partnership development ▪ PRAB ▪ Planning Board ▪ Council Study Session 	<ul style="list-style-type: none"> ▪ Implement ▪ Implement – possible city wide bond ▪ Partnership development ▪ Partnership development ▪ Council CIP

and vision plan.							
<p>Commercial Use of Public Space Consistent with examination of the Civic Area’s potential and the City’s continuing evolution of Special Events policies, the department will explore policies and practices related to commercial use of public spaces, including those efforts that support the local economy and the vibrancy of our communities. This will include examination of policies, practices, permitting and pricing related to in-park concessions, ticketed-gated activity, facility rental and the appropriate balance of protected general public use and city park infrastructure.</p> <p>By the end of the Q3 (2016), develop policies and practices that clearly establish the department’s approach to the commercial use of public spaces.</p>	<ul style="list-style-type: none"> ▪ In response to the evolution of the Civic Area and in anticipation of changes necessary to sustainably and responsibly operate the City’s Parks and Recreation venues, the department will evaluate practices concerning: <ul style="list-style-type: none"> ○ Commercial vending ○ Ticketed-gated activity ○ Public private partnerships 	<ul style="list-style-type: none"> • Review and analysis of existing policies and industry best practices 	<ul style="list-style-type: none"> ▪ Community engagement and outreach to stakeholders ▪ Hold meeting, round tables, focus groups with stakeholders including DBI, Farmers Market, concessionaires, and existing commercial use permit holder (15-20 hours) 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ Present policies and practices to Parks and Recreation Advisory Board (PRAB) ▪ Public hearing at September 26, 2016 PRAB meeting 	<ul style="list-style-type: none"> ▪ n/a 	<ul style="list-style-type: none"> ▪ n/a

<p>Community Building and Partnerships - The parks and recreation department will continue to foster community building and pursue/enhance partnerships critical to our sustainable provision of quality spaces and programming meeting the community's needs for recreation and respite. Included in this work will be successful conclusion of our department's negotiations with the Boulder Valley School District defining the joint use of facilities/amenities</p>	<p>This work is interrelated to almost all projects in the department in order to identify scope of need and areas of opportunity. Internal sponsor and donor recognition guidelines need to first be established to ensure consistent and appropriate action.</p> <p>Through the implementation of the departments Service Design and Delivery Model, partnership building will focus on mutually beneficial, mission focused and connection of guiding principles as demonstrated in parks, facilities, and programs. By</p>	<ul style="list-style-type: none"> • Review/recommend changes to sponsorship/donor recognition policy/practice • Review, renew, discontinue 2015 program partnerships through evaluation and service delivery initiatives 	<ul style="list-style-type: none"> • Grant and sponsorship solicitation • Activate ongoing community program volunteers • Pursue partnership opportunities for identified capital projects and programming needs • Identify and evaluate 2016 program partnership contractual scope of works • Implementation of service partnership 	<ul style="list-style-type: none"> • Grant and sponsorship solicitation • RFP Issuance (concessions @ Golf and Res) • Pursue partnership opportunities for identified capital projects and programming needs • Evaluate JUA between COB and BVSD • 10-15 pre-planned community volunteer events (tree plantings, clean ups, park constructions); 3hr/event 	<ul style="list-style-type: none"> • Grant and sponsorship solicitation • Pursue partnership opportunities for identified capital projects and programming needs • Final evaluation of program partnerships from 2016 performance • Finalize program partnership agreements for 2017 • Evaluate JUA between COB and BVSD 	<ul style="list-style-type: none"> • Issue calendar of 2017 BPR Community Building Events • Capital Project opportunities list finalized • Develop 2017 pre-planned volunteer events and ongoing programs • 2-3 outreach meetings re. park renovations; 2-3 hrs • Volunteer Appreciation event; 	<ul style="list-style-type: none"> • Grant and sponsorship solicitation • Pursue partnership opportunities for identified capital projects and programming needs • 5 pre-planned community volunteer events (tree plantings, clean ups, park openings); 3hr/event • 3 department hosted
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<p>owned by each organization. We will also explore the impact of existing programming partnerships (dance, tennis, biking instruction and community gardening, for example) and evaluate the viability of partnerships to support expanded service reach to the underserved and contributions to parks and recreation capital improvements. OUTCOMES: Through strategic development of public-public or public-private partnerships, the parks and recreation department will be able to leverage its resources to increase the service reach, programming impact and sustainability of public amenities. The creation of more strategic and meaningful volunteer opportunities and events will encourage a culture of stewardship and leadership in the Boulder community.</p> <p>The department is focused on Master Plan recommendations to shift the practices that facilitates the delivery of high-quality programs with community partners where most effective and limits the direct delivery of programs to those that align with the highest community values.</p>	<p>considering each individual service's alignment with mission; financial viability; market position; and the competitors that provide a similar service, the department will begin to identify those services that organization should be in the business of providing and how best to provide those services effectively and efficiently. Collaborative partnerships are opportunities to eliminate unnecessary duplication of service while providing for efficient and effective utilization of resources.</p>	<ul style="list-style-type: none"> • Volunteer team restructure and new hire • Grant and sponsorship solicitation • Solidify urban forest outreach strategy for 2016 • Issue calendar of 2016 BPR Community Building Events • Capital Project opportunities list finalized • 2-3 outreach meetings re. park renovations; 2-3 hrs • Volunteer Appreciation event; 3-4 hrs 	<p>orientations</p> <ul style="list-style-type: none"> • Issue calendar of partnership milestone dates • Identify 2017 partnership RFP processes • Evaluate JUA between COB and BVSD • 3 department hosted community events; 3-5hr/event (Creek Fest – multiday) • Donor/sponsor recognition policy to PRAB; April, 5 hrs • Public private partnership opportunity listening sessions re. concessions at Golf Course, Res., Civic Area • Host 2 PPP listening session; 4 hrs total 	<ul style="list-style-type: none"> • Roll out urban forest outreach program; ongoing • 5 pre-planned community volunteer events (tree plantings, clean ups, park openings); 3hr/event • 3 department hosted community events; 3-5hr/event • Ongoing volunteer projects • PPP PRAB review and liaison selection • 	<ul style="list-style-type: none"> • Implementation of JUA between COB and BVSD 	<p>3-4 hrs</p> <ul style="list-style-type: none"> • Grant and sponsorship solicitation • Activate ongoing community program volunteers • Pursue partnership opportunities for identified capital projects and programming needs • 3 department hosted community events; 3-5hr/event • 10-15 pre-planned community volunteer events (tree plantings, clean ups, park constructions); 3hr/event 	<p>community events; 3-5hr/event</p> <ul style="list-style-type: none"> • Ongoing volunteer projects • 5 pre-planned community volunteer events (tree plantings, clean ups, park openings); 3hr/event • 3 department hosted community events; 3-5hr/event • Ongoing volunteer projects
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Planning, Housing and Sustainability Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other dept.s	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<p>Comprehensive Plan – This includes four major work tracks, plus renewal of the city/county Intergovernmental Agreement (IGA). Tracks include:</p> <ul style="list-style-type: none"> • Areas of Focus (i.e., core values, resilience/climate, jobs/housing balance, affordable housing including middle income, built environment, subcommunity/ neighborhood issues, BCH coordination, CU South suitability analysis). • Plan Policy Integration • Plan “clean up” and organization • Public change request analysis 	<ul style="list-style-type: none"> • PH+S comprehensive planning team leads • Major citywide Interdepartmental effort, including necessary communications support and CAO from time to time. • Will need consultants for technical analysis, survey work and community engagement support • Significant coordination with Housing Boulder and BCH Site Planning efforts 	<ul style="list-style-type: none"> • Jan. 5 – Council action on public requests in Area I and Area II enclaves and policy changes • Feb. 2 – Joint Council and Planning Board public hearing for public requests in Area II and III • Coordinate with Resilience Study Session (Feb. 9) and Middle Income Housing Study Session (Mar. 29) • Begin analysis of land use change requests • Start analysis of areas of focus; develop options (See Middle Income housing below). • Community engagement: Continued discussion of survey results 	<ul style="list-style-type: none"> • Study Session (May 24) • Areas of focus – options/scenarios analysis (including land use analysis related to housing and jobs, and 3d modeling and visualization) 	<ul style="list-style-type: none"> • Review further analysis for focused topics - continue – options/scenarios analysis • Complete plan organization and “clean up” (e.g., non substantive updates and graphic improvements) • Community engagement: Possible focus groups regarding focused topics; local listening sessions; possible survey #2 	<ul style="list-style-type: none"> • Prepare draft plan including the areas of focus topic policy updates; map changes; and actions, strategies, and metrics • Community engagement: draft plan workshops and open house • Council Study Session 	<ul style="list-style-type: none"> • Approve draft plan • Begin implementation of BVCP including possible area planning • IGA renewal Implementation of BVCP, including possible area planning 	<ul style="list-style-type: none"> • Implementation of BVCP, including possible area planning
<p>Development-Related Impact Fees & Excise Taxes Studies - four components:</p> <ul style="list-style-type: none"> • Update current capital facilities impact fee/excise tax studies • Multi-modal Transportation fee analysis for capital and on-going operating costs • Commercial linkage fee for affordable housing 	<ul style="list-style-type: none"> • PH+S in lead. • Interdepartmental staff team of all departments with capital assets; includes significant staff resources needed in: <ul style="list-style-type: none"> • Finance • CAO • PW: Transportation, FAM, and Development Review • Planning • Consultant team preparing studies 	<ul style="list-style-type: none"> • Technical Working Group Meetings (2) • Public outreach - 101 seminar • Technical Analysis • Policy options development 	<ul style="list-style-type: none"> • City Council Study Session (April 12) • Technical Working Group meeting • Technical Analysis • Policy options development • Public outreach • Draft reports on fees and programs • City Council Study Session (June 14) 	<ul style="list-style-type: none"> • City Council Public Hearing (July 19) (decision) • Implementation and phase in preparation for 2017 budget 	<ul style="list-style-type: none"> • Implementation and phase in preparation for 2017 budget • Scoping next steps with Transportation Operations & Maintenance 	<ul style="list-style-type: none"> • Implementation and phase in 	<ul style="list-style-type: none"> • Implementation and phase in
<p>Form-Based Code (FBC) for Boulder Junction Phase I pilot project</p> <ul style="list-style-type: none"> • Development and adoption of a new form-based code as an appendix in the Land Use Code including new process and review criteria. 	<ul style="list-style-type: none"> • PH+S in lead with support from: <ul style="list-style-type: none"> • CAO • Public Works 	<ul style="list-style-type: none"> • Work on final draft of FBC 	<ul style="list-style-type: none"> • Prepare final draft of FBC and staff memos for adoption hearings • Public outreach, meetings and online materials • Planning Board and City Council adoption hearings 	<ul style="list-style-type: none"> • Prepare for implementation with new worksheet materials • FBC training sessions with staff, review boards and local design professionals 	<ul style="list-style-type: none"> • TBD based on evaluation of pilot and Council direction 		

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other dept.s	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<p>Site Review Criteria - update Site Review criteria to:</p> <ul style="list-style-type: none"> • Include new minimum design standards • Be more prescriptive, specific and clear • Address when/ if additional community benefit should be required (e.g. for height modifications) 	<ul style="list-style-type: none"> • PH+S in lead with support from CAO 	<ul style="list-style-type: none"> • Receive recommendations from DoverKohl 	<ul style="list-style-type: none"> • Develop work plan including outreach plan 	<ul style="list-style-type: none"> • Review DoverKohl recommendations • Develop goals and objectives • Research and analysis • Solicit input from Planning Board and DAB • Create & convene stakeholder group 	<ul style="list-style-type: none"> • Develop options • Meet with stakeholder group • Planning Board and DAB check in 	<ul style="list-style-type: none"> • Begin drafting code changes • Planning Board and DAB check in • City Council check in (matters or Study Session) • Meet with the stakeholder group • Public outreach 	<ul style="list-style-type: none"> • Finalize proposed code changes • Host open house • Planning Board and City Council consideration of changes • Prepare for implementation
<p>Update to the Downtown Urban Design Guidelines</p> <ul style="list-style-type: none"> • Revisions to the guidelines for better usability and clarity 	<ul style="list-style-type: none"> • PH+S in lead with support from: <ul style="list-style-type: none"> • CAO • Communications 	<ul style="list-style-type: none"> • Finalize draft document and prepare ordinance • Planning Board, Landmarks Board and City Council adoption • Amend height ordinance map to exempt downtown 					
<p>Civic Area Implementation</p> <ul style="list-style-type: none"> • Final design and construction of Phase I – Park at the Core • Long-Term Studies of East & West Bookends to determine future improvements: <ul style="list-style-type: none"> • Comprehensive Flood Analysis • Market Hall Feasibility Study • Urban Design Plan/ Guidelines • Coordination with Canyon Complete Streets (includes Bandshell) and Municipal Facilities Study & BCH • Civic Use Pad - Discussions with St. Julien to construct 	<ul style="list-style-type: none"> • Interdepartmental Team with leads from Parks, Public Works and PH+S <ul style="list-style-type: none"> • Consultant support. 	<ul style="list-style-type: none"> • Final design Phase I park improvements • Flood Analysis • Market Hall Preliminary Feasibility Analysis (<i>Phase I</i>) & Working Group Meeting • Market Hall Preliminary Space Test Fit (<i>Phase II</i>) • Collect data on parking changes <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Preliminary design work • Financial analysis 	<ul style="list-style-type: none"> • Permitting & bidding for park construction • Public Open House (4/4) • Council Meeting Matters (4/5) • Coordinate w/ Canyon Complete Streets – Design Alternatives – May Open House; Joint Board / Commission Mtg; Council Study Session 5/31 • Continued analysis of capital projects • Civic Use Pad • Preliminary design work • Negotiation of management agreement • Financial analysis • Public outreach to potential users 	<ul style="list-style-type: none"> • Park construction begins • Coordinate w/ Canyon Complete Streets – Design Options Analysis • Continued analysis of capital projects <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Design work • Negotiation of management agreement • Financial analysis • Public outreach to potential users 	<ul style="list-style-type: none"> • Continued park construction • Coordinate w/ Canyon Complete Streets – Design Recommendation • Coordinate w/ Municipal Facilities Study & BCH • Continued analysis of capital projects <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Council consideration of management agreement • Design work 	<ul style="list-style-type: none"> • Continued park construction • Tasks related to Civic Area bookends are dependent on outcomes in 2016 & 2017 • Begin Urban Design Plan for East Bookend & Outreach to Boards <p>Civic Use Pad</p> <ul style="list-style-type: none"> • Construction activities begin (St. Julien lead) 	<ul style="list-style-type: none"> • Park construction complete in 2017 • East Bookend Urban Design Plan/ Guidelines – Present to Boards & Council • West Bookend Urban Design Plan – Begins in 2018

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other dept.s	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<p>BCH Site & Municipal Facilities Planning</p> <ul style="list-style-type: none"> Establish land use and urban form characteristics taking into consideration the site's interrelation with the larger Broadway corridor, Downtown, Civic Area and University Hill Develop short and long-term municipal facilities needs and locations Develop site specific goals and redevelopment options Implementation Plan 	<ul style="list-style-type: none"> PH+S and Public Works in lead. Multi-departmental effort: <ul style="list-style-type: none"> Community Vitality Parks and Recreation City Attorney Finance Consultant support 	<ul style="list-style-type: none"> Develop 2016 Project Scope & Schedule Coordination with BVCP Update Begin development of Performance & Design Guidelines for Facilities Conduct BCH Rehab analysis 	<ul style="list-style-type: none"> Consultant RFP & Selection for city facilities study & urban design framework Context Analysis – past history and current conditions of BCH & its larger context including Downtown, Civic Area, and Uni-Hill Begin “storytelling” campaign to share memories of BCH Conduct city space needs & analysis Begin visioning of Future Municipal Facilities 	<ul style="list-style-type: none"> Continue work on Context Analysis Define boundary for specific BCH Site/Area Planning work Synthesize city space needs in coordination w/Civic Area 	<ul style="list-style-type: none"> Develop Planning & Design Framework to illustrate the desired future for BCH and larger context, relationship/ roles relative to other areas. Adopt Guiding Principles for area wide goals and objectives to inform the future of BCH site (<i>land use, urban form, connections, cultural and other facilities, etc.</i>) Oct. 25 Study Session Begin Municipal Facilities Master Plan Adopt Guiding Principles for City Facilities 	<ul style="list-style-type: none"> Site/Area Planning Space planning program for city departments and facilities Final determination of facilities & locations Continue Municipal Facilities Masterplan Begin site/area planning (w/consultant support) Continue Municipal Facilities Master Plan Develop Performance & Design Guidelines for Facilities 	<ul style="list-style-type: none"> Continue work on Site/Area Planning including evaluation of options & selection of preferred plan Complete Land Use Change & Zoning Designation Continue with Municipal Facilities Masterplan
<p>30th and Pearl</p> <ul style="list-style-type: none"> Analyze options for moving forward with redevelopment of the site Select and refine preferred option 	<ul style="list-style-type: none"> PH+S in lead. Multidepartment effort including: <ul style="list-style-type: none"> Public Works: Transportation, Utilities Parks 		<ul style="list-style-type: none"> Procure consultant services for options analysis. Begin building scenarios.. 	<ul style="list-style-type: none"> Refine scenarios and options analysis. Develop draft success criteria for redevelopment. Refine preferred option 	<ul style="list-style-type: none"> Potential RFP for sale, redevelopment, or partnership. 		

<p>Middle Income Housing Strategy</p> <p>- To include:</p> <ul style="list-style-type: none"> • BBC study of what market is currently producing to serve the middle; how unit size and location affect pricing over time • Identification of potential land use and other market interventions to produce desired housing types • Identification of effective mechanisms to support middle income affordability • Methodology to monitor key indicators to measure progress 	<ul style="list-style-type: none"> • PH+S in lead. • Citywide Interdepartmental effort. • Need communications support • Will need CMO and CAO support from time to time. • Consultant support for analysis and facilitation. 	<ul style="list-style-type: none"> • Finalized consultant study • Identified key policy questions • Analyzed projected housing – what do we expect based on current trends (feeds into BVCP) • Identified range of potential interventions • Feb. 18 Planning Board • Feb. 23 CC Study Session 	<ul style="list-style-type: none"> • BVCP: analysis of potential land use changes to produce desired middle income housing types (e.g., duplexes and triplexes, townhomes, courtyard apartments, bungalows) • Form Council and Planning Board working group to identify goals, analyze key policy questions, and recommend interventions (programmatic, funding, and regulatory) 	<ul style="list-style-type: none"> • Draft potential policy changes for community conversation • Draft potential interventions (programmatic, funding, and regulatory) for community engagement with associated work plan for each. • Full Board and Council check- in 	<ul style="list-style-type: none"> • Identify and monitor key market indicators to measure progress on Middle Market housing provision • Refine potential interventions • Draft strategy 	<ul style="list-style-type: none"> • Adoption of policy changes • Adoption of interventions 	
<p>Other Housing Boulder priorities</p> <p>– Potential work efforts to prioritize include:</p> <ul style="list-style-type: none"> • Housing Strategy Governance (Housing Board) • Neighborhood Pilot • Co-operative Housing • Mobile Home Parks 	<ul style="list-style-type: none"> • PH+S in lead. Multi-departmental effort • Need communications support • Will need CMO and CAO support from time to time. • Consultant support for analysis and/ or facilitation 	<ul style="list-style-type: none"> • Jan. 26 CC Study Session on Co-ops • Jan. 5 Palo Park Annex and Concept Plan • Ongoing MHP work, including Ponderosa 	<ul style="list-style-type: none"> • TBD based on Council direction 	<ul style="list-style-type: none"> • TBD based on Council direction 	<ul style="list-style-type: none"> • TBD based on Council direction 	<ul style="list-style-type: none"> • TBD based on Council direction 	<ul style="list-style-type: none"> • TBD based on Council direction

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other dept.s	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<p>Climate Commitment</p> <ul style="list-style-type: none"> • Coordination of community efforts to achieve 80% emissions reduction by 2050. • Coordination of city organization efforts to achieve 80% or more emissions reduction by 2050 • Coordination of city organization efforts to prepare for climate change-resilience capacity building 	<ul style="list-style-type: none"> • PH+S (Climate and Sustainability) in lead. • Multi-departmental effort: <ul style="list-style-type: none"> ▪ CMO (CRO) ▪ Public Works (Water Resources, Utilities, Transportation) ▪ PH+S (Comprehensive Planning, P+DS) ▪ Energy Future ▪ Parks and Recreation ▪ OSMP ▪ Finance ▪ Communications 	<ul style="list-style-type: none"> • Coordinate community engagement • Facilitate city organization staff training • Begin planning for community action campaigns • Launch “whole system energy transformation” and “thermal strategy” work 	<ul style="list-style-type: none"> • Coordinate April “Earth Futures Week” focus on climate action • Coordinate staff training on local climate change impacts 	<ul style="list-style-type: none"> • Finish revisions of Climate Commitment document and present for approval by City Council • Launch community action campaigns • Conduct climate extremes staff training exercise • Coordinate departmental level assessments of emission reduction/clean energy transition options • Complete “whole energy system transformation” and “thermal strategy” work 	<ul style="list-style-type: none"> • Coordinate community climate action campaigns • Lead city organization scenario planning on multi-factor change scenarios 	<ul style="list-style-type: none"> • Continue community action campaigns • Coordinate implementation of city organization energy transition implementations • Launch second round of staff climate change training 	<ul style="list-style-type: none"> • Continue community climate action campaigns • Continue implementation of city org emissions reduction/clean energy development projects • Continue staff climate mitigation/climate adaptation trainings
<p>Energy Codes: Short Term Updates and Long Term Strategy</p> <ul style="list-style-type: none"> • Improving compliance of current commercial and residential energy codes; • Integrate with new Building Performance Ordinance (BPO); • Updating the residential and commercial energy codes for adoption in 2016 and implementation in 2017; and • Long term strategic planning for energy codes updates to reach net zero by 2031. 	<ul style="list-style-type: none"> • Public Works (Building Code Compliance) in lead, support from PH+S (Climate + Sustainability) • Staff resources needed in: <ul style="list-style-type: none"> • CAO • Development Review Engineering • Zoning 	<ul style="list-style-type: none"> • Select consultant thru RFP process • Develop special lighting permit application for BPO 	<ul style="list-style-type: none"> • Develop options for short term code updates • Draft recommendations for long term plans 	<ul style="list-style-type: none"> • (4) Public Meetings for community engagement • EAB Feedback • CAO Review Needed • Revise short term options and make final recommendations 	<ul style="list-style-type: none"> • Finalize long term strategic plan recommendations • City Council meeting for short term code updates • Evaluate ways to improve compliance in the field 	<ul style="list-style-type: none"> • Update website and provide education materials for new code changes • Implement changes to improve compliance • Stakeholder working group – long term strategic plan 	<ul style="list-style-type: none"> • Develop proposal for long term strategic plan out to 2031 • City Council Study session • Begin implementation of long term strategic plans

Police Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
Professional Standards Review Panel		<ul style="list-style-type: none"> • Feb 9th Council Study Session on HH report • Feb 23rd Council Study Session, HH presented their report and PD staff discussed recommendations and moving forward. 	<ul style="list-style-type: none"> • PD staff working with CMO, Human Services and other stakeholders on HH recommendations. 	<ul style="list-style-type: none"> • PD staff working on recommendations and providing an update to council. 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •

Public Works Key 2016 and 2017 Work Items

Work Plan Item and short description/ project outcome	Project Department Resource needs and impacts to other depts.	1 st quarter 2016	2 nd quarter 2016	3 rd quarter 2016	4 th quarter 2016	First half 2017	Second half 2017
<ul style="list-style-type: none"> ▪ 2A Implementation – a temporary 0.3% tax increase to fund key community, culture and safety infrastructure projects as approved by voters in the 2014 ballot measure. 	<p>2A is a multi-departmental effort that requires close-interdepartmental coordination to create opportunities and efficiencies and reduce impacts to the community.</p> <p>Project Coordinators: Joanna Crean & Joel Wagner</p> <p>Note: Civic Area project hours are included in the separate Civic Area section.</p>	<p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ Civic Area Open House ▪ Landmarks Board Presentation (Chautauqua) 	<p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ Project completion (Hill Irrigation, Eben G. Fine) ▪ Open house to present final design (Chautauqua) ▪ CEAP Committee Review ▪ Board/Commission meetings: TAB/OSTB/PRAB ▪ Landmarks Board Notice of Disposition to City Council for Potential call-up (Chautauqua) 	<p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ CEAP w/TAB & PRAB recommendation to City Council for potential call-up (Boulder Creek Arapahoe Underpass) ▪ Board/Commission brief presentation & review & recommendation joint meetings: TAB/ PRAB (Boulder Creek Arapahoe Underpass) 	<p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Public outreach/open houses ▪ Project design ▪ Project construction ▪ Project completion (Dairy Center for the Arts) ▪ Public Open House (Boulder Creek Arapahoe Underpass) 	<p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Project construction ▪ Project completion (Chautauqua) 	<p>Key Tasks:</p> <ul style="list-style-type: none"> ▪ Project construction ▪ Project completion (Boulder Creek Path & Lighting, Hill Event Street, Civic Area, Public Art)

<p>TMP Implementation:</p> <ul style="list-style-type: none"> • Complete Streets: On-going O&M, Safety Corridor Plans Capital Projects Renewed Vision for Transit • Regional • TDM • Funding • Integrated Planning <p>*This Section is now combined with : Capital Improvement Projects for PW -Transportation</p>	<ul style="list-style-type: none"> ▪ PW-Transportation Division plus Communications, Comprehensive Planning, Community Vitality, Finance, City Attorney's Office 	<ul style="list-style-type: none"> • Transportation Report on Progress • Corridor Plans – East Arapahoe, Canyon, 30th & Colorado • Capital projects – construction on Diagonal, 28th, and Baseline • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance • North Broadway reconstruction project – planning/design phase • US36 BRT and FLEX transit service begins • Local transit: HOP Study; mobility hub plans; first & final mile connections, analysis of transit service delivery models with agency partners • Regional transit: SH7 & SH119 BRT studies; joint maintenance facility planning with agency partners 	<ul style="list-style-type: none"> • Safe Streets Boulder Report ▪ Corridor plans ▪ Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Living Lab program report ▪ Local & regional transit planning ▪ Community-wide Eco Pass analysis ▪ Analysis/review options for updating TDM plans for new development with stakeholders (coord with AMPS) ▪ DRCOG funding for railroad quiet zones, comments to Federal Railroad Administration on national train horn rule ▪ Transportation impact fee analysis, coordinate milestones with city's broader impact fee study ▪ Board/Commission/Council updates on Civic Area access/parking/TDM programs ▪ Community event with national panel of Complete Streets practitioners 	<ul style="list-style-type: none"> • Corridor Plans • Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Local & regional transit planning, including eastside circulator study with CU ▪ Community-wide Eco Pass analysis ▪ Refine options for updating TDM plans for new development with stakeholders/boards (coord with AMPS) ▪ Transportation impact fee analysis, coordinate milestones with city's broader impact fee study ▪ Outreach, agency/BNSF coordination for quiet zones • ADA transition plan • Monthly TAB updates 	<ul style="list-style-type: none"> • Corridor Plans • Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Local & regional transit planning ▪ Community-wide Eco Pass study complete ▪ Present revised/refined options for updating TDM plans for new development with boards/Council (coord with AMPS) ▪ Transportation impact fee analysis, coordinate milestones with city's broader impact fee study ▪ Outreach, agency/BNSF coordination for quiet zones • ADA transition plan • Monthly TAB updates ▪ City Council Study Session – TMP Implementation Overview: Highlight Complete Streets, Funding, and Integrated 	<ul style="list-style-type: none"> ▪ Corridor plans ▪ Capital projects • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Local and regional transit planning ▪ Community-wide Eco Pass next steps based on outcomes of 2016 study ▪ TDM plans for new development based on outcomes from 2016 ▪ Transportation impact fees – next steps based on 2016 ▪ Develop plans for quiet zones based on outcomes from 2016 ▪ Report on completion of TMP action plan items from 2014-2016 • Monthly TAB updates ▪ City Council Study Session – TMP 	<ul style="list-style-type: none"> ▪ Continuation and completion of existing projects, plans, and programs from 2016-17 • Pavement/Asset Management Program • Bikeways Enhancements, Maintenance ▪ Begin work plan items based upon TMP “near term” Action Plan (2017-2020) based on work program capacity and available funding. ▪ Prepare next edition of Transportation Report on Progress (draft Dec 2017, final document Feb 2018) • Monthly TAB updates ▪ City Council Study Session – TMP Implementation Overview: Highlights include status report on TMP “near-term”
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		<ul style="list-style-type: none"> Community-wide Eco Pass analysis with County/RTD Update TDM plans for new development (coord with AMPS) Transportation Impact Fee analysis (coord with city-wide broader impact fee study) Civic Area access, parking/TDM program monitoring Monthly TAB updates 	<p>(Spring)</p> <ul style="list-style-type: none"> Monthly TAB updates City Council Study Session – TMP Implementation Overview: Highlight on Complete Streets, including Canyon Corridor study, Living Lab Phase II – Folsom St. pilot project, and check-in on 2016-17 Renewed Vision for Transit work program 	<ul style="list-style-type: none"> City Council Study Session – TMP Implementation Overview: Highlight on Renewed Vision for Transit, including Community-wide Eco Pass update 	Planning Focus Areas	Implementation Overview: Highlights include status report on TMP "immediate" action items (2014-2016)	action items (2017-2020)
<ul style="list-style-type: none"> Valmont Butte <ul style="list-style-type: none"> Annexation BVCP Land Use Change 	<ul style="list-style-type: none"> PH&S Annexation Process PH&S BVCP Land Use Change Consideration Outreach to stakeholders support 	<ul style="list-style-type: none"> Stakeholder outreach Joint hearings on BVCP requests Historical and Open Space Analysis 	<ul style="list-style-type: none"> Historical and Open Space Analysis Meets and Bounds Survey Stakeholder outreach 	<ul style="list-style-type: none"> Historical and Open Space Analysis 	<ul style="list-style-type: none"> Landmark Submission & potential call-up 		
<ul style="list-style-type: none"> Water, Wastewater, Stormwater and Flood Utility Rate Study 	<ul style="list-style-type: none"> A project manager has been dedicated, key SMEs are engaged, and funds are available. No impact to other departments. 	<ul style="list-style-type: none"> Consultant contracting. Data analysis and WRAB consultation. 	<ul style="list-style-type: none"> Data analysis and WRAB consultation. 	<ul style="list-style-type: none"> Data analysis and WRAB consultation. 	<ul style="list-style-type: none"> Possible implementation of certain recommendations through 2017 budget process. 	<ul style="list-style-type: none"> Refine recommendations and WRAB consultation. 	<ul style="list-style-type: none"> Implementation through 2018 budget process.
<ul style="list-style-type: none"> Citywide Special Events 	<ul style="list-style-type: none"> Project Manager and Staff Time for event policy, review and operations Project Manager and Staff Time for meetings and collaborations IT Staff Time for SharePoint and Software development Purchase of Software, Memberships and Operational Tools 	<ul style="list-style-type: none"> Complete criteria and standards for all events including rest periods, capacity, etc. Strengthen CU / City Collaboration with regular event mtgs (ongoing) City Council Events Update and review of the 2017-2018 Ironman Agreement renewal; Policy update under Matters from CMO with Council. 	<ul style="list-style-type: none"> Complete Interim Special Event Policy Suggest Code and Policy changes for 2017 Develop short and long term resource needs for 2017 budget 	<ul style="list-style-type: none"> Develop cost recovery, cost and data collection methods Clarify city sponsorship policy Finalize 2017 budget City Council Events Update 	<ul style="list-style-type: none"> Review special events policy, applications, event documents and websites for changes and updates 	<ul style="list-style-type: none"> Complete updates to 2017 Special Event Policy Update criteria and standards for all events including rest periods, capacity, etc. City Council Events Update 	<ul style="list-style-type: none"> Finalize Special Event web-based application and payment system City Council Events Update

<ul style="list-style-type: none"> ▪ Capital Improvement Projects for PW - Utilities 	<ul style="list-style-type: none"> ▪ Bear Canyon Creek Flood Mitigation Study - Multi-year process. ▪ Stormwater Collection System Master Plan Update - Multi-year process ▪ Wastewater Collection System Master Plan Update - Multi-year process, ▪ Skunk Creek, Bluebell Canyon Creek, and King's Gulch Floodplain Mapping Study - Multi-year process ▪ Fourmile Canyon Creek Mitigation CEAP- Multi-year process 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ Four mile Canyon Creek Mitigation CEAP Call Up Opportunity 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ Bear Canyon Creek Flood Mitigation Study - Public Hearing/Action to Accept Study ▪ Skunk Creek, Bluebell Canyon Creek, and King's Gulch Floodplain Mapping Study - Public Hearing/Action Item ▪ Stormwater Collection System Master Plan Update - Public Hearing/Action Item to Accept Study ▪ Wastewater Collection System Master Plan Update - Public Hearing/Action Item 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
<ul style="list-style-type: none"> ▪ Capital Improvement Projects for PW - Transportation 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maintenance and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maint and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various 	<ul style="list-style-type: none"> ▪ Asset/Pavement Management Program ▪ Sidewalk Repair Program ▪ Bikeways Maint and Enhancements ▪ Corridor Studies for Canyon Blvd/30th and Colorado ▪ Transportation Capital Projects - Various

COUNCIL MEMBERS

Suzanne Jones	Mayor
Mary Young	Mayor Pro Tem
Matthew Appelbaum	Council Member
Aaron Brockett	Council Member
Jan Burton	Council Member
Lisa Morzel	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Bob Yates	Council Member

COUNCIL EMPLOYEES

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

KEY STAFF

Mary Ann Weideman	Deputy City Manager
Tanya Ange	Deputy City Manager
Bob Eichem	Chief Financial Officer
Lynnette Beck	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director for the Department of Planning, Housing 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
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	Director of Public Works for Transportation
Jeff Arthur	Utilities Director

2016 City Council Committee Assignments

INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel (Castillo – staff alternate)
Boulder County Consortium of Cities	Young, Burton (alternate)
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Brockett, Appelbaum (alternate)
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Jones
National League of Cities (NLC)	Appelbaum
Resource Conservation Advisory Board (RCAB)	Morzel
Rocky Flats Stewardship Council	Morzel, Weaver (alternate) (Castillo – 2 nd staff alternate)
University of Colorado (CU)/City Oversight Committee	Weaver, Yates, Burton
US 36 Mayors/Commissioners Coalition (MCC)	Jones
US 36 Commuting Solutions	Burton, Morzel (alternate)
Urban Drainage and Flood Control District	Young

LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Shoemaker
Boulder Convention and Visitors Bureau	Burton, Yates (alternate)
Colorado Chautauqua Board of Directors	Morzel
Dairy Center for the Arts	Brockett
Downtown Business Improvement District Board	Weaver, Yates

INTERNAL CITY COMMITTEES

Audit Committee	Shoemaker, Yates, Weaver
Boards and Commissions Committee	Appelbaum, Burton
Boulder Urban Renewal Authority (BURA)	Yates
Boulder Valley Comprehensive Plan (BVCP) Process Sub-Committee	Brockett, Weaver
Charter Committee	Morzel, Weaver, Young
Civic Use Pad/9 th and Canyon	Morzel, Young
Council Retreat Committee	Morzel, Yates
Council Employee Evaluation Committee	Morzel, Shoemaker
Housing Strategy Process Sub-Committee	Morzel, Young, Burton
Legislative Committee	Jones, Weaver, Appelbaum
School Issues Committee	Morzel, Shoemaker, Young

SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Brockett
Kisumu, Kenya	Morzel
Llaza, Tibet	Shoemaker
Dushanbe, Tajikistan	Yates
Yamagata, Japan	Burton
Mante, Mexico	Young
Yateras, Cuba	Weaver
Sister City Sub-Committee	Morzel, Burton, Young



TO: Mayor and Members of City Council
FROM: Jordan Matthews, City Clerk's Office
DATE: October 4, 2016
SUBJECT: Information Packet

1. CALL UPS

- A. CALL-UP ITEM: Vacation of a 1,489 square foot portion of a ten-foot utility easement to allow for redevelopment of the site as a grocery store use (2685 Pearl Street) (ADR2016-00122).

2. INFORMATION ITEMS

None

3. BOARDS & COMMISSIONS

- A. Design Advisory Board – May 11, 2016
- B. Open Space Board of Trustees – September 14, 2016
- C. Planning Board – July 28, 2016
- D. Planning Board – August 18, 2016
- E. Planning Board – September 1, 2016
- F. Transportation Advisory Board – August 8, 2016

4. DECLARATIONS

- A. Conflict Resolution Month – October, 2016
- B. Escoffier Day – October 9, 2016
- C. US Olympic Team Celebration
- D. Visual Arts Celebration – September 29, 2016 – January 15, 2017



INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: 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
Caeli Hill, Associate Planner

Date: October 4, 2016

Subject: Call-Up Item: Vacation of a 1,489 square foot portion of a ten-foot utility easement to allow for redevelopment of the site as a grocery store use (ADR2016-00122).

EXECUTIVE SUMMARY

The applicant requests vacation of a 1,489 square foot portion of a ten-foot utility easement at 2685 Pearl Street (refer to **Attachment D** for exact location) in order to develop the property consistent with the approved Site Review approval (LUR2014-00099). The subject utility easement was dedicated on the final plat of Fruehauf Plaza. The subject property is Lot 2 of a Planned Unit Development (PUD) for Fruehauf Plaza, which was approved as a mixed-use development in 1992. The easement was dedicated to accommodate future utilities. The proposed vacation was approved by staff on Sept. 14, 2016. There are two scheduled City Council meetings within the 30-day call-up period on Sept. 20, 2016 and Oct. 4, 2016.

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 1,489 square foot portion of a ten-foot utility easement. Staff approved the easement vacation on Sept. 14, 2016 (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 Oct. 14, 2016 unless the approval is called up by City Council.

FISCAL IMPACT

None identified.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

Economic: None identified.

Environmental: None identified.

Social: None identified.

BACKGROUND

The project site is located north of Pearl Street, between 26th and 28th Streets (refer to **Attachment A, Vicinity Map**). The subject property is Lot 2 of a Planned Unit Development (PUD) for Fruehauf Plaza, which was approved as a mixed-use development in 1992. The PUD contains various commercial uses including Boulder Running Company, FedEx Office and Good Times.

A Site Review was approved in November of 2015 to demolish the former approximately 10,000 square foot Olive Garden restaurant and construct an approximately 16,600 square foot full service organic grocery store. The commercial use will also include a community room and demonstration kitchen for public cooking classes. The Natural Grocers by Vitamin Cottage store plans to move from their current location on 30th Street to this location. The approved site plan and disposition of approval requires that the portion of utility easement be vacated.

The project site is zoned Business – Community 2 (BC-2) and is located within the Boulder Valley Regional Center (BVRC). The requested vacation will allow the new building to be designed in accordance with the BVCP Design Guidelines. The guidelines communicate the city's design goals and objectives for the BVRC to create, maintain, and enhance a high-quality regional commercial center that emphasizes high-quality, building forward design with active streetscapes and connections for pedestrians while minimizing the auto-dominated development patterns in the area. The requested vacation will allow the building to be located closer to the street to enhance the pedestrian experience and to increase permeability. As approved, a building entrance will be located on Pearl Street.

The subject utility easement was dedicated on the original plat for Fruehauf Plaza in 1992 to accommodate future utilities on the subject property. No utilities were installed in this easement. Approval of the easement vacation has been received from electric/gas, telephone and cable company representatives. Therefore, there is no further public need for this easement.

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 a utility easement consistent with the standards 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 new easements will be dedicated to replace the function of the current easement.

No vacation of a public easement shall be approved unless the approving agency finds that:

- 1. Change is not contrary to the public interest.
The utility easement was dedicated on the final plat of Fruehauf Plaza. The vacation is not contrary to the public interest because all utilities will be contained within existing right-of-way or the remaining portions of the easement.
- 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 subject utility easement was dedicated on September 25, 1992 to accommodate future utilities on the subject property (Rec. no. 01223049). Since this time, a commercial redevelopment of the property has been approved and all necessary utilities will be located in public right-of-way or the remaining portions of the easement. There is no public need for the easement to be vacated.
- 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 against the vacation.

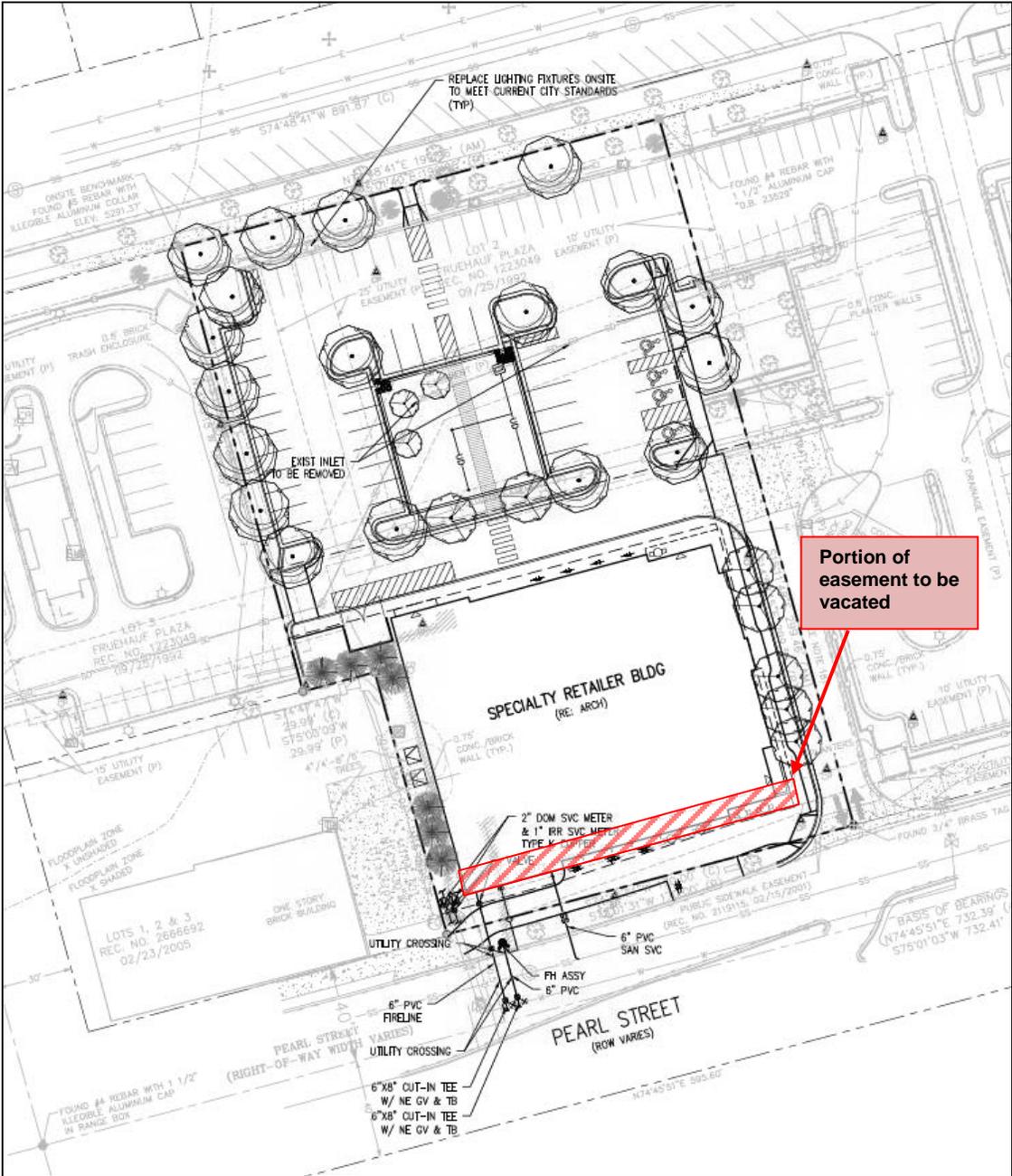
NEXT STEPS

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





For Administrative Purposes Only
Address: 2685 Pearl St.
Case No. : ADR2016-00122

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, a utility easement previously dedicated to the City of Boulder on the final plat of Fruehauf Plaza and recorded in the records of the Boulder County Clerk and Recorder at Reception No. 01223049 on the 25th day of September, 1992 located at 2685 Pearl Street and as more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above easement vacation and release of said easement at 2685 Pearl Street shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the easement.

Executed this _____ day of _____, 2016, 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:

Hela Rammewig
City Attorney's Office

6-7-16
Date

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

A VACATION OF A PORTION OF A TEN FOOT UTILITY EASEMENT AS SHOWN ON THE PLAT OF FRUEHAUF PLAZA AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY, RECORDED ON SEPTEMBER 25, 1992 AT RECEPTION NO. 1223049, LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF LOT 2 OF SAID FRUEHAUF PLAZA TO BEAR NORTH 74°45'51" EAST, A DISTANCE OF 170.00 FEET BETWEEN A FOUND #5 REBAR WITH A 1 1/2" ALUMINUM CAP STAMPED "FLATIRONS SURV 16406" AT THE SOUTHWEST CORNER AND A FOUND 3/4" BRASS TAG AT THE SOUTHEAST CORNER, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, THENCE NORTH 54°19'16" WEST, A DISTANCE OF 17.92 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 73°42'58" WEST, A DISTANCE OF 148.54 FEET;
THENCE NORTH 16°17'02" WEST, A DISTANCE OF 10.00 FEET;
THENCE NORTH 73°42'58" EAST, A DISTANCE OF 149.03 FEET;
THENCE SOUTH 15°11'48" EAST, A DISTANCE OF 6.11 FEET TO A POINT OF TANGENCY;
THENCE 3.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN INCLUDED ANGLE OF 08°58'18" AND SUBTENDED BY A CHORD BEARING SOUTH 10°42'39" EAST, A DISTANCE OF 3.91 FEET TO THE POINT OF BEGINNING.

SAID VACATED PORTION CONTAINING 1,489 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.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER: 14-64,258
DRAWN BY: T. HENDERSON
DATE: MAY 3, 2016

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

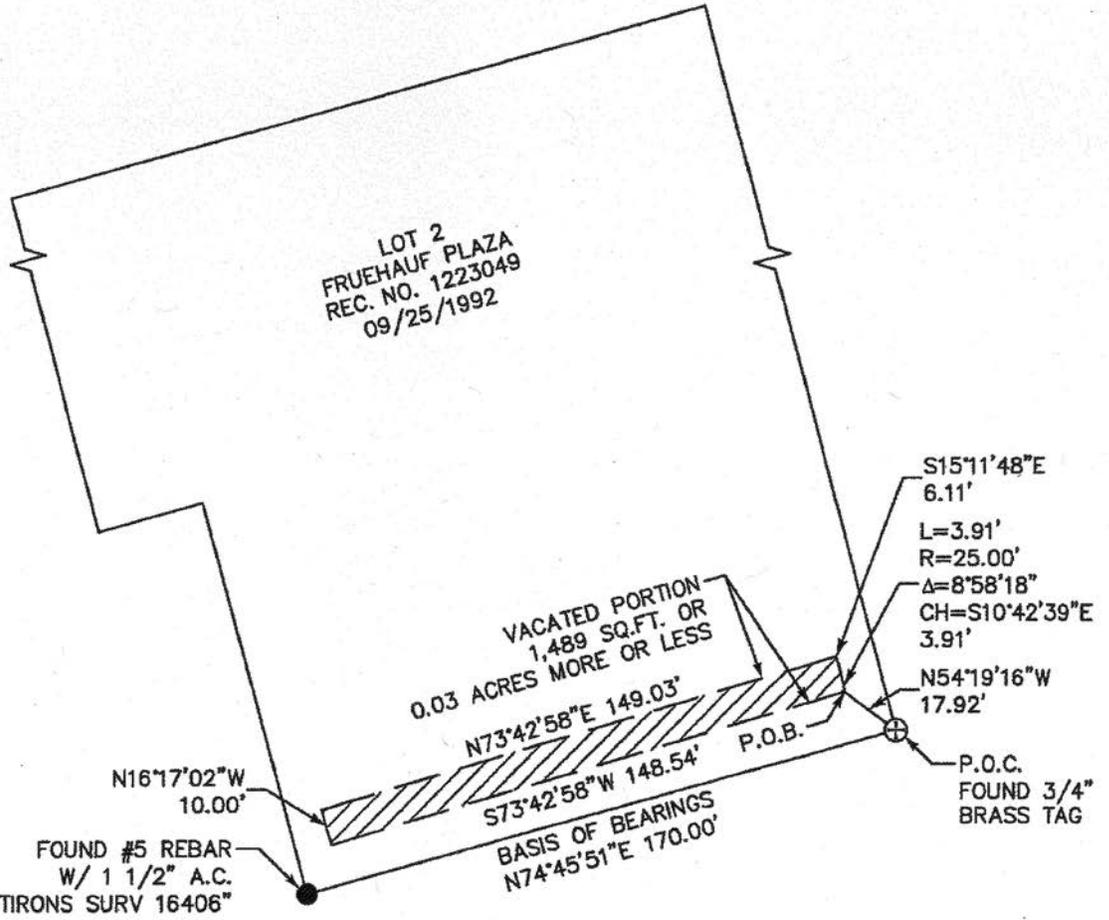


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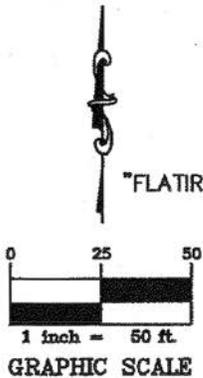
BY:T.HENDERSON FILE:64258--VACATED ESMT.DWG DATE:5/3/2016 1:07 PM

EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH,
 RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,
 CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO
 SHEET 2 OF 2



BY:TENDERSON FILE:64258-VACATED ESMT.DWG DATE:5/3/2016 1:07 PM



JOB NUMBER: 14-64,258
 DRAWN BY: T. HENDERSON
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Flatirons, Inc.
 Surveying, Engineering & Geomatics



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CITY OF BOULDER
DESIGN ADVISORY BOARD MINUTES
May 11, 2016
1777 Broadway, 1777 West Conference Room

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

DAB MEMBERS PRESENT:

Jamison Brown, Chair
Michelle Lee
David McInerney
Jeff Dawson

DAB MEMBERS ABSENT:

Jim Baily
Bryan Bowen, Planning Board Ex-Officio Member

STAFF PRESENT:

Kalani Pahoa, Urban Designer

BOARD DISCUSSION:

1. Call to Order

Chair, **J. Brown**, declared a quorum at 4:03 p.m. and the following business was conducted.

2. Approval of Minutes

The board approved the April 20, 2016 Design Advisory Board minutes.

3. Board Matters

K. Pahoa updated the board regarding several Matters.

a) P&DS/PH&S Department Calendar

- On May 18, 2016, the Canyon Complete Streets Study Board Meeting will be held. **K. Pahoa** urged the board members if they were unable to attend to review the design options in the packet. Comments will be accepted prior to the meeting. She stated that this item could be placed on the June DAB agenda for discussion.
- **K. Pahoa** asked the board about their availability for summer 2016. **J. Dawson** stated he would be absent the June 8, 2016 meeting date. **J. Baily** may be out on June 8, 2016. No other board members had scheduling conflicts.
- **J. Dawson** suggested listing the upcoming projects that would be up for review at DAB meetings on the calendar, such as is done with Planning Board and City Council. **K. Pahoa** said that she would ask if this would be possible.
- The board discussed the rescheduling of the June 8, 2016 meeting to June 22, 2016 since one to two board members would be absent. **K. Pahoa** would review

the calendar and get back to the board.

- **K. Pahoa** advised the board of possible upcoming projects that may come to DAB and Concept Plans that will be going to Planning Board in the next few months.

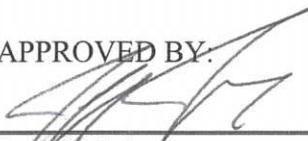
b) Civic Area Breakfast

- Several board members attended the Civic Area Breakfast on May 4, 2016. **J. Brown** informed the board that the focus was on the entire project and not isolated to one specific area (i.e. the park that will undergo construction later this summer). Minutes or a summary of all comments should be sent out. **M. Lee** mentioned that they would like to encourage different board members in addition to people in the community to attend future Civic Area events so that everyone can be informed.
- **K. Pahoa** informed the board that she is in the process of assessing the tasks within the Design Excellence Initiative. She will brief the board under *Matters* at the next DAB meeting regarding the status and the final revision to the 2016 Downtown Urban Design Guidelines update. She stated that the single biggest change has been reinstating the language on views, sun and shade back into the guidelines. Also some additional changes regarding the section on building rhythm have been incorporated. Finally, in the non-historic area, solar panels can be visible from the right-of-way. These would be discretionary and not code provisions.

4. ADJOURNMENT

The Design Advisory Board adjourned the meeting at 4:25 p.m.

APPROVED BY:



Board Chair

VICE CHAIR

Sept. 14, 2016
DATE



CITY OF BOULDER
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees			
DATE OF MEETING: September 14, 2016			
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x2025			
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:			
MEMBERS: Frances Hartogh, Molly Davis, Kevin Bracy Knight, Tom Isaacson, Curt Brown			
STAFF: Tracy Winfree, John Potter, Mark Davison, Phil Yates, Don D'Amico, Will Keeley, Cecil Fenio Heather Swanson, Mark Gershman, Bethany Collins, Keri Davies, Leah Case, Alycia Alexander			
GUESTS: Lesli Ellis, Comprehensive Planning Manager; Jean Gatzka, Senior Planner, PH&S; Jeff Moline, Agricultural Resources Manager, Boulder County			
TYPE OF MEETING:	<u>REGULAR</u>	CONTINUATION	SPECIAL
SUMMATION:			
AGENDA ITEM 1 - Approval of the Minutes Curt Brown moved that the Open Space Board of Trustees approve the minutes from Aug. 10, 2016. Molly Davis seconded. This motion passed unanimously.			
AGENDA ITEM 2 – Public Participation for Items not Identified for Public Hearing Alex Medler, Boulder, requested staff and the Board consider increased seating options on Open Space. Raymond Bridge, PLAN-Boulder County, suggested a new land use category be included in the Boulder Valley Comprehensive Plan specific to Open Space Annexed parcels. Crif Crawford, Boulder, spoke about the September 2013 flood and the proposed berm that could help prevent future flood waters into Frasier Meadows. Mike Barrow, Boulder Mountainbike Alliance (BMA), said BMA will be participating in a volunteer trail project on Boulder County Parks and Open Space Heil Trail. He invited the Board to attend. Tony Gannaway, Boulder, asked for status of the Leave no Trace report on attempted trail closures. Anna Rives, Longmont, expressed her concern about the company hired to take care of the Armory prairie dog relocation.			

Susan Douglass, Boulder, read a free-verse regarding a sculpture she has built describing the subsequent compromise on Open Space.

Carse Pustmueller, Boulder, said she is concerned about the plan for the Armory prairie dog relocation; the proposed plan is inhumane.

Alan Delamere, Boulder, expressed his desire to designate the Sanitas Valley area as historic.

AGENDA ITEM 3 - Matters from Staff

Lesli Ellis, Comprehensive Planning Manager, and Mark Gershman, Environmental Planning Supervisor, gave a presentation on the Boulder Valley Comprehensive Plan.

Mark Gershman, Environmental Planning Supervisor, gave a presentation on the Boulder County joint ownership/management Intergovernmental Agreement (IGA).

Will Keeley, Wildlife Ecologist, gave a presentation on the Open Space and Mountain Parks (OSMP) Raptor monitoring program.

AGENDA ITEM 4 - Matters from the Board

Kevin asked staff to be proactive with muddy trail closures and related outreach in the coming season. He noted that the Eagle Trail has a section inconsistent with the rest of the area; he asked staff to look into this and possible consider rerouting that section or posting more signs that could even include a possible alternate route option.

ADJOURNMENT: The meeting adjourned at 9:11 p.m.

ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:

None.

TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:

The next OSBT meeting will be Wed. Oct. 26 at 6 p.m. at 1777 Broadway in the Council Chambers

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
July 28, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

John Gerstle, Chair
Liz Payton, Vice Chair
John Putnam
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:

Bryan Bowen

STAFF PRESENT:

Susan Richstone, Deputy Director of Community Planning & Sustainability
Cindy Spence, Administrative Specialist III
Lesli Ellis, Comprehensive Planning Manager
Jean Gatza, Sustainability Planner
Peggy Bunzli, Executive Budget Officer
Caitlin Zacharias, Planner I
Kathy Haddock, Senior Assistant City Attorney
Doug Newcomb, Property Agent
Jim Reeder, Trails & Facilities Division Manager
Annie Noble, Greenways Program Coordinator
Steven Buckbee, Engineering Project Manager
Joe Castro, Facilities & Fleet Manager
Jeff Haley, Parks Planning Manager
Molly Winter, DUHMD Executive Director
Milford John-Williams, Budget Analyst
Chris Ranglos, Comprehensive Planning Intern
Gerrit Slatter, Principal Transportation Projects Engineer
Joe Taddeucci, Water Resources Manager
Bob Harberg, Principal Engineer - Utilities

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

1. **Danielle Dougherty** spoke in opposition to the 1440 Pine Street project.
2. **Brad Queen** spoke regarding EAB and Planning Board collaboration.
3. **Christina Gosnell** spoke regarding EAB and Planning Board collaboration.
4. **Lawrence A. Gossman** spoke in opposition to the 1440 Pine Street project.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a recommendation to City Council on the proposed Capital Improvement Program (CIP).

Staff Presentation:

J. Gatza and **P. Bunzli** presented the item to the board.

Board Questions:

J. Gatza, **P. Bunzli**, **A. Noble**, **J. Castro**, **J. Reeder**, **G. Slatter**, **J. Haley** and **J. Taddeucci** answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

- **L. Payton** suggested amending the motion to recommend that Boulder's flood mitigation plan within the CIP to embrace what we know about climate change. The current plans do not incorporate any assumptions of climate change. **L. May** stated he would be in support of that addition.
- **H. Zuckerman** suggested adding to the motion that Boulder begin leading a charge toward greater equity and resilience through hiring practices that take into account the needs of local business within the CIP. As the CIP stands, it displays a good use of funds and great engineering. Very impressed by the CIP and the work the staff has done.
- **J. Putnam** stated the CIP is very comprehensive. In regards to **H. Zuckerman's** suggestion regarding local procurement, he questioned if the CIP would be the right place to address it. His concern was that it may create binding requirements and restrictions in Boulder. Not sure the CIP is the right place. In regards to the flood issue, he agreed to start accounting for long term implications and climate on floodplains, but added caution on how it is carried out. It would be a benefit to collect information on it and look at it as a future matter. Finally, he suggested that the South Boulder Creek flood project should be required to have a CEAP or at least provide a more detailed explanation for why there should not be one. He suggested including it in the motion that staff and Council address it specifically.
- **C. Gray** supported **J. Putnam's** recommendations. **C. Gray** thanked the city staff for their excellent work on the CIP.
- **L. May** agreed with **J. Putnam** and **C. Gray**.

Motion:

On a motion by C. Gray seconded by H. Zuckerman the Planning Board voted 6-0 (B. Bowen absent) to recommend to City Council the 2017-2022 proposed Capital Improvement Program, including the list of CIP projects to undergo a Community and Environmental Assessment Process, as outlined in the staff memorandum, dated July 28, 2016.

Motion by J. Putnam, seconded by L. May, to amend the main motion that staff further address whether the south Boulder Creek mitigation project should have a CEAP or not have a CEAP and that Council address that question based on that input. Passed (6-0) (B. Bowen absent).

Motion by L. Payton, seconded by J. Putnam, to ask staff to incorporate climate change into the floodplain planning and to recommend to Council that they consider directing staff to find a way to incorporate climate change assumptions and scenarios when developing flood mitigation plans. Passed (6-0) (B. Bowen absent).

Motion by H. Zuckerman, seconded by C. Gray, further recommends that Council consider and direct staff to study the potential of creating guidelines for CIP expenditures that encourage procurement from Disadvantaged Business Enterprises and local enterprises to promote social and economic equity and community resilience. C. Gray seconded. Passed (6-0) (B. Bowen absent).

B. AGENDA TITLE: Public hearing and recommendation on Annexation of Certain City Owned Properties.

Board members were asked to reveal any ex-parte contacts they may have had on this item.

J. Gerstle disclosed that he is the owner of land within 600 feet of one of the properties to be discussed, however he stated it will not interfere with the ability for him to be fair and objective.

J. Putnam disclosed that he resides just outside of the 600-foot buffer, and that he too can be fair and impartial.

Staff Presentation:

S. Richstone, K. Haddock and B. Harberg presented the item to the board.

Board Questions:

S. Richstone, K. Haddock, B. Harberg and D. Newcomb answered questions from the board.

Public Hearing:

- 1. Carolyn Steffl**, representing and speaking on behalf of the Knollwood Metropolitan District, informed the board that the district was surprised that the city was proposing to form an enclave in that community. She has reached out to the Planning Department to discuss the proceedings and outcome of the annexations and encouraged the city to work with the existing residents. **C. Gray** asked if Knollwood received city sewer service. Staff said yeas as did **C. Steffl**.
- 2. Brad Queen** spoke in support to the project.
- 3. Lynn Segal** spoke in support to the project.

Board Comments:

- **J. Putnam** agreed with the analysis in staff's packet. He stated that there are many public reasons to proceed with these annexations. It will benefit the city and it is consistent with the Comp Plan. In regards to the earlier discussion surrounding the development of open space, he would not support an Agricultural designation because there is no agricultural use in that area, therefore Public Use designation makes sense.
- **C. Gray** questioned the Public Use designation since it could allow for many uses not in the charter. After discussion, she stated that she has a comfort level with the Public Use designation since the citizens could petition for a vote on disposal of Open Space properties.

Motion:

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**B. Bowen** absent) to recommend to City Council to approve the proposed annexations of the city-owned parcels and Elmer's Two-Mile Park enclave as shown on the map attached with zoning of Public (P).

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**B. Bowen** absent) approved of a land use designation change from Low Density Residential to Open Space – Acquired for the property at 5893 Baseline Road.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

- A. AGENDA TITLE: Boulder Valley Comprehensive Plan Update (BVCP) on Selected Policy Changes, Amendment Procedures, and Community Engagement.**

Staff Presentation:

L. Ellis and **C. Zacharias** presented the item to the board.

Board Questions:

L. Ellis, **S. Richstone** and **C. Zacharias** answered questions from the board.

Board Comments:

Key Issue #1: Amendment Procedures Approach and Questions (Major Update = Every 5 years / Minor Update = Intermittent)

- **C. Gray** supports a process change for considering land use map changes. She suggested opening up the non-land use changes more frequently as it reflects the changing society and values of the community. Regarding land use changes, they should be tied to sub-area neighborhood planning.
- **L. Payton** agreed with #1 and #2. She did not agree with #3.
- **L. May** agreed with **L. Payton**. He supports **C. Gray** regarding the sub-area neighborhood planning emphasis and land use changes tied to any sub-area plans.
- **H. Zuckerman**, in regards to #1, the current five-year plan is an unbelievable pace. He suggested a public request process limited to land use changes only occur every two years.
- **J. Putnam** agreed with **L. Payton** and **H. Zuckerman**.

- **J. Gerstle** stated that frequent changes diminish what is intended and agreed changes should be less. Regarding the public request process, it should be limited to land use changes and happen on a minor update frequency. Suggested making public request land use map changes as part of the minor update on a five-year schedule and a major update on a ten-year schedule to be adequate for a Comprehensive Plan.
- **C. Gray**, in regards to the sub-area and neighborhood planning, stated the requests should be tied to a sub-area plan. Changes should be tied to a community process and not just the Comp Plan.
- **L. May** explained that the sub-area and neighborhood planning could be prioritized and then more structure could be in place and guide land use changes and requests.
- **C. Gray** would like to hear from staff what they envision in regards to sub-area and neighborhood planning and then be implemented.
- **J. Putnam** added that, in the past, a majority of those requests had been denied. Only a few need to have flexibility. Not sure if more process needs to be created at this time. Other public process has been created in other areas such as zoning. He is unsure if more needs to be added or if limiting the flexibility to address those issues.
- **H. Zuckerman** suggested an amendment to the time frame of major updates to twelve years, minor at 6 years and public requests for land use changes at three years.
- **L. May** suggested a major update at ten years and a minor at five years as it would double our current cycle. Then place the public request for land use changes at two and a half years.
- **H. Zuckerman** stated that this is not staff's recommendation. They are asking for the Planning Board's feedback.
- **J. Gerstle** suggested having staff consider the board's suggestions. Eager to see the staff's recommendation.
- **C. Gray** stated, in regards to limiting land use map changes to public requests, it would eliminate input from experts within community.
- **J. Putnam** disagreed. Input can be given at meetings, via email, and can give recommendations. What it takes away is the formal process. He stated he would rather see it as regular comment.
- **C. Gray** questioned if changes were limited to five years would it be sufficient.

After some discussion, the board agreed that by Thursday, August 4, 2016, to send detailed comments from each board member to **C. Spence**. The comments will be ranked by chapter(s) to discuss. The staff can then use that ranking as a guide to prioritize the conversation.

L. Ellis listed the upcoming dates regarding BVCP discussions and where the Planning Board's results will make an impact:

- August 29, 2016 – BVCP Joint Board Discussion
- August 11, 2016 – Add a Planning Board meeting to compile the board's comments. **L. Ellis** will have a template for the board to send comments to **C. Spence**.
- August 25, 2016 – BVCP Planning Board Study Session to discuss scenarios

BVCP Policy Chapters Board Feedback Discussion:

- **H. Zuckerman** stated affordable housing appeared in “*Core Values*”, Chapter 1, “*Built Environment*”, Chapter 2, and primarily in “*Housing*”. He questioned why it does not appear in Section 5, “*Economically Vital Community*” and specifically in the new policy “*Creative Economy*”, given affordable housing is important to people in the creative class. *Policy 6.09*, should lead off with a vision statement regarding the integration of land use with transportation. An affirmative positive policy statement should be made. He noted that there are a lot of “*city and county*” in aspirational statements and just “*city*” in prescriptive statements. It seems the city is taking the responsibility when the city and county want to do it together. This seems inconsistent. *Policy 8.19, Public Art*, does not include any provision for private investment in public art. Large projects should provide some public art. Generally, staff is doing a good job.
- **L. Payton**, under “*Core Values*”, the Governance value should emphasize independence from the private sector and not interdependence. Under “*Natural Environment; Geologic Resources and Natural Hazards*”, many of those policies should to be changed to reflect changes anticipated due to climate change. In addition, the “*Ground Water Policy*” should be redone to reflect the potential for new development to impact the flow, elevations, and distribution of ground water that might result in negative impacts to surrounding properties. Development standards should be developed by the city and county. Under “*Economy*”, the economic vitality and regional issues are very pro job growth. We should address the tension between retaining primary employers and fostering start-ups. On “*Creative Economy*”, she has concern with a list of professions that are deemed “*creative and excluding others*”. Not correct to have a class that is favored. Under “*Community Well-Being*”, it needs language to identify the risks or challenges faced by unique demographic groups. Regarding “*Safety*”, we need to address firearms.
- **L. May**, under “*Core Values*”, stated there needs to be more specificity regarding inclusive community. The term “*agile adaptation*” gives the perception that Boulder has given up on climate change rather than mitigate. Under “*Creative Economy*”, he expressed offense and it does not acknowledge all the diversity and goals of the Comp Plan. It is very elitist. Regarding Chapters 3-5, he stated he has a lot of comments on which he will submit in writing.
- **J. Putnam**, in regards to “*Transportation*”, stated there is no clear vision for what mobility is and what we want. Safety should be included. In “*Community Well-Being, Section 8*”, homelessness is referenced to be removed and that is a mistake. It is an important issue to the community. But transient residents should be added as a different issue. In addition, an affirmative statement should be added regarding law enforcement and how they treat all residents within the community. In the discussions regarding parks and trails, the mention of Boulder Creek has been omitted as a source of recreation. Other amenities should be captured. In “*Section 6.09, Integrate Transportation and Land Use*”, it is currently limited to three areas of town. Land use and transportation should be integrating everywhere but have special focus on those three areas.

- **C. Gray**, in regards to the *15-Minute Neighborhood*, the neighborhoods themselves have never been asked what would make them a *15-minute Neighborhood*. Under “*Community Well-Being*”, the public realm is missing. In addition, the opportunity of public spaces for all is important. She would like to see more arts and culture mentioned. In “*Section 5, Economy*”, small and local businesses are missing from the Plan.
- **J. Gerstle** questioned the language regarding water resources management under the “*Energy*” or “*Natural Environment*” section. The acquisition of water resources seems outdated because it encourages Boulder to acquire more water which is unnecessary at this time. Under “*Economy*”, it is oriented to a Chamber of Commerce attitude. It should consider the increase of jobs and economic growth of the city and county. The focus on the “*creative class*” is out of place as **L. Payton** and **L. May** mentioned. Boulder also needs to consider the impact of its policies on areas outside of the Plan.

B. Planning Board Member Attend Council Meeting August 2, 2016

Board Comments:

- **J. Putnam** stated that he was approached that the project of 1440 Pine was subject to Call-Up at the August 2, 2016 City Council meeting. He suggested that a Planning Board member attend the meeting to address issues.
- **J. Gerstle** stated he would attend.

C. EAB Liaison from Planning Board

Board Comments:

- **L. May** stated that he would be interested in doing being the liaison but cannot attend the EAB’s August 3, 2016 meeting. He could begin attending the meeting in September. His understanding was that EAB was asking a liaison to attend the next meeting, not as an ongoing attendance to discuss opportunities for collaboration on energy and conservation issues.
- **J. Gerstle** suggested **L. May** write an email to EAB stating that he would be able to attend the September EAB meeting.

D. Meeting Management for Future Projects – General Practice Items

Staff Presentation:

S. Richstone presented the item to the board.

Board Comments:

- **L. Payton** mentioned that in a number of projects that Planning Board has reviewed the applicant asks for extra time in addition to applicant’s staff speak during Public Participation. She suggested holding the applicants to the standard ten minutes.
- **C. Gray** stated that when the applicant holds a neighborhood meeting it does not always address the planning context of the project. She suggested the Planning Department take a proactive role and explain the process, the zoning regulations and criteria that Planning Board uses to approve or deny a project. This will help to inform the public.

This could help to develop public testimony related to what Planning Board can actually consider.

- Board members agreed to send in no more than three meeting management items of interest prior to the August 25, 2016 Study Session for discussion.
- **J. Putnam** generally agreed with L. Payton regarding the standard ten-minute speaking time for applicants, however to be more sparing with exceptions.
- **H. Zuckerman** added that the board should be stricter in limiting public speaking time. In addition, with the public pool time, he suggested altering the speaking time allotted and limiting to 5 minutes' maximum.
- **J. Gerstle** did not agree. **C. Gray** also did not agree.
- **L. May** offered to follow Council's policy when anticipating a large number of public speakers to cut the amount of speaking time from three minutes to two minutes. Decision making is not benefited when the board does not get to deliberations until late in the evening.
- **L. Payton** disagreed.
- **J. Putnam** if meetings are continued because the board didn't have time to get to deliberations due to a large amount of public speakers, that is not helpful to the public. He agreed with **L. May** that limiting the time to two minutes does make sense. We also need to do a better job of educating the public regarding the meeting process and what to expect.
- **L. May** if the board does decide to limit the public speaking time to two minutes, it should not be announced the night of the hearing. It can be anticipated.
- **L. Payton** added that she is not clear if any members of the public would be disappointed if a meeting were actually continued if it ran too long.
- **J. Putnam** and **J. Gerstle** disagreed.
- **C. Gray** suggested a follow-up survey after a meeting.
- **H. Zuckerman** stated that it is respectful to the community and to respect the process and for the board to state that we have the public comment portion at a reasonable amount of time as well as the deliberation at a reasonable amount of time. We need to ask the public to partner with the board to help reduce the time and help the board reach a decision in a reasonable amount of time.
- Regarding the suggestion if there would be a certain number of speakers (to be determined) to limit the public speaking time from three minutes to two minutes, the board was not in agreement.
- Regarding the suggestion if the public comments and deliberations are not completed by a specific time (10:00 p.m.), the board agreed that they would check-in and possibly continue the hearing to a later date if not near a decision.
- Regarding the suggestion to inform the public of the meeting criteria prior to the meeting itself, the board was in agreement.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 11:15 p.m.

APPROVED BY



Board Chair

DATE

15 Sept 2016

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 18, 2016
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
John Putnam
Leonard May
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:

Crystal Gray

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Chris Meschuk, Senior Planner
Kathy Haddock, Senior Assistant City Attorney
Elaine McLaughlin, Senior Planner

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **B. Bowen** and seconded by **L. Payton** the Planning Board voted 6-0 (**C. Gray** absent) to approve the August 4, 2016 minutes as amended.

3. PUBLIC PARTICIPATION

1. **Kari Palazzari** invited the Planning Board members to participate as judges at the Chili Bowl event on September 17, 2016 at the Pottery Lab.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

- A. Call Up Item: University Place Replat D Subdivision (LUR2016-00017) located at 747 12th Street: Final Plat to replat the existing site into two lots.

This item was not called up.

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public Hearing and recommendation to City Council regarding annexation of enclaves in the vicinity of 55th Street and Arapahoe Avenue.

Staff Presentation:

C. Meschuk and K. Haddock presented the item to the board.

Board Questions:

C. Meschuk and K. Haddock answered questions from the board.

Public Hearing:

1. Gaetano Iannacone spoke in opposition to the annexation.
2. Karin Lazarus spoke in opposition to the annexation.
3. Ian Barringer (pooling time with Kelly Barringer) spoke in opposition of the annexation.
4. Dan Anglin spoke in opposition of the annexation.
5. Mark Hartwig (pooling time with Megan Knies) spoke in opposition of the annexation.
6. Thomas Kee spoke in opposition of the annexation.
7. Grace Guittierrez spoke in opposition of the annexation.
8. Ken Morris, Esq. spoke in opposition of the annexation.
9. Keith Hoffman spoke in opposition of the annexation.
10. Ed Byrne spoke in opposition of the annexation.
11. Allyson Feiler spoke in opposition of the annexation.
12. Paul Danish spoke in opposition of the annexation.

Board Questions:

C. Meschuk and K. Haddock answered additional questions from the board following public comments.

- The Planning Board took a short recess to review the proposed Draft Ordinance with no recommendation presumed.
- The Planning Board returned from recess and agreed to continue deliberation.

Board Questions:

C. Meschuk and K. Haddock answered additional questions from the board pertaining to the proposed Ordinance.

Board Comments:

Key Issue #1: Is the proposed annexation consistent with State of Colorado statutes pertaining to the annexation of a property into the City of Boulder?

- H. Zuckerman stated for the record the definition of the purpose of the annexations in the Colorado Revised State Statutes. He argued that the state law looks at the equitable distribution of costs of municipal services. He stated that he is not saying he disagrees

with the staff recommendation; however, this should be considered. The interpretation of the Ordinance will be key.

- **J. Putnam** agreed with **H. Zuckerman** that his argument could be made. He is in support of staff's view. From the perspective of municipal services, all properties are accessible by city streets. These are enclaves from a service perspective and it makes sense to keep within the city.
- **L. May** supported **J. Putnam's** comments and generally supports staff's recommendation. **B. Bowen** and **L. Payton** stated the same.
- **H. Zuckerman** questioned the fairness of this annexation since it was done so quickly, yet the city has the right to annex enclaves at any time. Since proper notice was given, he is in support of staff's recommendation.
- **J. Gerstle** supports the staff recommendation and added that the Comp Plan has recognized these enclaves before the present industries existed.

Key Issue #2: Is the proposed annexation consistent with the Boulder Valley Comprehensive Plan (BVCP)?

- **L. May** agreed with staff's recommendation.
- **B. Bowen** disagreed. According to Comp Plan (*Item 1.24, Item C*), he stated that he is not sure this annexation is a public safety improvement issue. While he supports the annexation of enclaves, he does not like the impact it will have on the present businesses within those enclaves. He stated that it does not meet with the Comp Plan.
- **L. May** argued that his interpretation of *Item 1.24* in the Comp Plan is that it would apply to residents rather than businesses.
- **L. Payton** supports staff's recommendation.
- **H. Zuckerman** agreed with **B. Bowen** and added that there are no dangerous qualities to the counties regulations toward marijuana or safety issues. He proposed different language in the Ordinance with different timing to be consistent with the BVCP.
- **J. Putnam** agreed with **H. Zuckerman**. The annexation of the enclaves is needed, however, we need conformity with the Comp Plan, specifically *Item 1.24*.
- **J. Gerstle** agreed with **J. Putnam** and **H. Zuckerman**. While this is consistent with the BVCP, the language of the Ordinance needs to be modified.
- **B. Bowen** added that if the Ordinance was rewritten to work with the existing business, it could be in compliance with the Comp Plan. He suggested creating a timeline.

Key Issue #3: Is the initial zoning of each property consistent with the Boulder Valley Comprehensive Plan (BVCP)?

- All board members agreed with staff recommendations.

Key Issue #4: Should the Planning Board recommend annexation based on the Boulder Valley Comprehensive Plan (BVCP)?

- **J. Putnam** stated that changes are warranted to the proposed Ordinance but the board is not prepared to do it tonight. He proposed to recommend denial of the annexation at this time unless specific provisions are developed prior to decision by Council that would address many of the concerns of the existing businesses as long as they are consistent with the health and safety of the city.

- **H. Zuckerman** agreed and proposed that a solution that is in the state law be added. He offered the state law (32.12.106.1.1, *Exceptions to Enclaves*) as a solution which discusses an Annexation Transition Committee.
- **B. Bowen** agreed.
- **L. Payton** would not support a denial of the recommendation. So much is at stake and she supports municipalization. She would support recommending to Council the annexation but with directing staff to work out the difficulties with the businesses.
- **B. Bowen** stated he would be more in favor of denying recommendation but he strongly supports municipalization.
- **L. May** supports **L. Payton**. He stated that he would support the recommendation to Council to approve the annexation but with conditions. He suggested that the board be specific regarding the board's concerns. The board needs to address the timeline for compliance and the extent to which people need to comply with the current city regulations.
- **B. Bowen** added that the provision that strikes the distance between business should be kept and that the reinforcement of cost negotiations needs to remain favorable for the affected people. Force annexation implications need to be considered.
- **J. Gerstle** disagreed with **B. Bowen's** comment of "*forced annexation*" and stated it is not appropriate. It is clearly established and legal. Appropriate for the board to recommend to Council that the Ordinance be revised, to be more acceptable to business, to have more time and relax non-safety conditions of operation. The board can do this by recommending the annexation move ahead with additional recommendations.
- **J. Putnam** added that it would be important to have these businesses within the utility because they are very carbon intensive. Be better to have these businesses on a utility that is moving toward carbon improvement. However, the annexation needs to be done correctly.

Motion:

On a motion by **J. Putnam** seconded by **B. Bowen** the Planning Board voted 3-3 (**C. Gray** absent) to recommend denial to City Council of the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum unless staff and Council can develop provisions in the Ordinance that would ensure continuity of existing businesses where consistent with health and safety of the city. This should include more flexibility in the timeline for compliance and potential waivers of existing city rules. Motion Failed.

Friendly amendment made by **L. May** to recommend to City Council to approve the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum. Friendly amendment Fails.

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board voted 6-0 (**C. Gray** absent) to recommend approval to City Council of the proposed annexations of the 15 parcels with the initial zoning as shown in the staff memorandum assuming that staff and Council can develop provisions in the Ordinance that would promote continuity of existing businesses where consistent with health and safety of the city. This should include more flexibility in the timeline for compliance and potential waivers of existing city rules.

Friendly amendment made by L. May to change the above motion to read “only if” rather than “assuming that”. Accepted by J. Putnam and L. Payton.

5. PUBLIC HEARING ITEMS

B. AGENDA TITLE: CONCEPT PLAN & REVIEW - Redevelopment of the existing seven-acre apartment site located at 1550 Eisenhower Drive with a new three-story apartment complex Eastpointe Apartment Homes, consisting of 236 proposed units in five buildings with below grade parking and on-site recreational amenities under case review no. LUR2016-00043.

Applicant: Jeffrey Smith
Developer: Aimco Eastpointe LLC

Staff Presentation:

C. Ferro introduced the item.

E. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin answered questions from the board.

Applicant Presentation:

Patti Shwayder and **Brett Leonhardt**, representing Aimco Eastpointe, LLC, and **Collin Kemberlin** with Tryba Architects, presented the item to the board.

Board Questions:

Leslie Ewy with The Sanitas Group, **Brett Leonhardt** with Aimco Eastpointe, LLC, and **Collin Kemberlin** with Tryba Architects, answered questions from the board.

Public Hearing:

1. **Martha Andrews** spoke concerning the parking and the dog park of the proposed project.
2. **Janet Ryden** spoke concerning the parking and the preservation of the trees of the proposed project.
3. **John Ryden** spoke concerning the density and lighting of the proposed project.
4. **Diane Bergin** spoke concerning the parking of the proposed project.
5. **Jean Rachubinski** spoke concerning the southeast corner of the proposed project.
6. **Tom Rachubinski** spoke concerning the construction process of the proposed project and the possible implementation of a memorial for Officer Haynes who lost her life on that site.
7. **Mike Krietzman** spoke concerning the parking, potential flooding and drainage of the project.
8. **Keith Hoffman** spoke concerning the thorough way along the Arapahoe corridor of the proposed project.
9. **Douglas Ertz** spoke concerning the drainage along Eisenhower and Arapahoe and the

lack of affordable housing needs of the proposed project.

10. **John Andrew** spoke concerning the thorough way along the Arapahoe corridor of the proposed project.

11. **Robert Kiser** spoke concerning the construction process and affordable housing needs of the proposed project.

Board Comments:

Key Issue #1: Consistency with Concept Plan Review Criteria

- **B. Bowen** stated overall it is a good project. Would like to see as many at-grade level entries as possible to the units to create better circulation patterns. He likes the patios outside the ground level units and would like to see at the main streets. Traditional style 8-foot deep porches to allow for a buffer should be included. The revised vehicular circulation scheme is a good improvement. Do not approve of the looped drive through the site. Approved of the termination of views at the entrance. Could include a trellis shade structure and a kitchen feature. He proposed splitting Building #4 into two buildings for pedestrian access. Connections to the property to the south should be considered. In regards to the parking below grade, it should be more of a plaza-like place. He encouraged an art program on site and the memorial for the officer who was shot on site. In the below grade parking area, the bike space could be a gathering space and could be designed as such. The applicant should look at a district-wide energy system. And he encouraged the protection of specimen trees.
- **L. May** said that the project is generally consistent with BVCP. He has concerns regarding the affordability component and diversity of housing unit types. He agrees with **B. Bowen** and staff's comments. Building #4 would work better as two buildings. He supports the parking reduction. The project is consistent with city policies.
- **L. Payton** stated that if the city was serious regarding resilience, sustainability and affordability, then incentives and regulations would be in place to rehabilitate the units and not demolish them. She encouraged moving Building #2 out of the floodplain if possible. She agreed with staff's comments regarding the BVCP *Policy 7.06*. She also agreed with staff that some edges should be converted to two-story massing and that the building typology on the south end of the site should be considered a townhome configuration. Green roofs should be converted to PV roofs. Along Arapahoe Avenue, the path should be made to be a multi-use efficient path with trees on both sides. The site needs playground. She agrees regarding the preservation of mature healthy trees. Agrees with **B. Bowen** regarding the memorial for the officer, breaking up Building #4, and the terminal vista from Eisenhower. Ground water studies are needed. Finally, the six-foot wide tree wells over the parking structure are inadequate.
- **H. Zuckerman** would like to see mixed use on site, permeability on site, to connect with the east commercial properties, height transitioning down to the single-family residential and address plans for affordability. These were also as mentioned in **C. Gray's** emailed comments. He stated that the project is a great design. Arapahoe Avenue is currently so wide so can get away with taller buildings. Taller buildings along Arapahoe and smaller to the south such as townhomes and additional streets makes sense. He stated that he would like to see street parking restored along Eisenhower. On-site affordable housing would be ideal for this site.

- **J. Putnam** agreed with making Arapahoe an effective transportation corridor for bikes and pedestrians. Curb greenery would be beneficial. Good design and good use for the site. Accomplish high density site. There are many opportunities to have on-site affordable housing and that is missing. He suggested the applicant look for partnerships. In regards to architectural styles, it would be helpful to reduce the repetition. Need to do a lot with the street face of Arapahoe and this would be a good opportunity with the design and landscaping. He suggested looking for creative opportunities such as putting in a community center, residential art for street interest, or shops. In regards to Building #2 in flood plain, he is less concerned. He recommended building more of a buffer than what is required, put in more elevation and flood proofing. He is in favor of roof decks and would be good amenity. It would be critical to have EV charging stations and PB on the roof. The board would like to see how the applicant intends to comply with the tough energy code and possibly exceed it. Finally, he asked the applicant to look at opportunities regarding sub-metering and have residents participate in the renewable energy aspects.
- **J. Gerstle** agreed with most everything. Encouraged mixed use along the Arapahoe corridor. Consider more on-site affordable housing and he encouraged the applicant work with institutions in Boulder. He stated that the site does need a dog park, but does not have an opinion as to where. Also, he stated he approves of green roofs. In regards to roof decks, he is in full support. Permeability of project is very important and passage to the south property with a path is very important.
- **B. Bowen** stated that there is some board support for along Arapahoe for mixed use buildings and elevating out of the flood plain. Those two items may make the board amenable to a height modification for those buildings along Arapahoe.
- **L. May** suggested parking not be a part of the rent or come with the unit.

Key Issue #2: Concept Plan Response to Surrounding Residential Context

- The board had no comments on this Key Issue.

Board Summary:

J. Gerstle gave a summary of the board's recommendations. Since this is a Concept Review, no action is required on behalf of the Planning Board. The board felt that the proposed plan was generally consistent with the Comp Plan and responsive to the neighborhood. Specifically, it would be beneficial to have grade level entrances and defensive spaces for individual apartments. The board suggested dividing Building #4 into two separate buildings. The board also suggested connecting to south the proposed site to the adjacent site with foot paths. The board had concern about making the egress from the sub-surface garage attractive and usable and at the same time providing daylight to the sub-surface garage. The proposed landscape plans were attractive, but the board asked the applicant to consider innovative energy systems in terms of renewable and in addition to what the Code requires. There was general support for the requested parking reduction. On-site affordable housing should be seriously considered. Building #2 should be moved out of the 100-year flood plain if possible. The board propose the convert the buildings to two-stories along the south and east elevations. Some board members showed a lack of enthusiasm for the proposed "green roofs" and suggested PV roofs. The board expressed concern regarding the multi-use path along Arapahoe Avenue and that it provides sufficient capacity but

not making the public go too fast but still regarded as a serious transit corridor. There was a suggestion that a playground be incorporated in the southeast pocket park. Efforts should be made to preserve the mature trees located on site. An implementation of a memorial for Officer Hanes on-site would be beneficial. The board had strong concerns regarding the ground water impact of the sub-surface garage, therefore there needs to be clear studies done. The board suggested possibly enlarging the tree wells above the garage or make sure that they will be adequate. The board encourages the consideration of mixed use on site. The board felt the parking should be unbundled. There was a recommendation that this proposal should go to the Design Advisory Board (DAB) for review. Finally, the board suggested the proposed buildings flood proof beyond the FEMA requirements.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:43 p.m.

APPROVED BY



Board Chair

15 Sept 2016

DATE

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 1, 2016
1777 Broadway, Council Chambers

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PLANNING BOARD MEMBERS PRESENT:

John Gerstle, Chair
Liz Payton, Vice Chair
Bryan Bowen
John Putnam
Leonard May
Crystal Gray
Harmon Zuckerman

PLANNING BOARD MEMBERS ABSENT:

N/A

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Jessica Stevens, Civil Engineer II
Caeli Hill, Associate Planner
Elaine McLaughlin, Senior Planner
Karl Guiler, Senior Planner/Code Amendment Specialist
James Hewat, Senior Planner, Historic Preservation

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 5:07 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

3. PUBLIC PARTICIPATION

- **John Spitzer** addressed the board regarding the Attention Homes project located at 1440 Pine Street

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

- A.** Call Up Item: Wetland Map Revision (LUR2016-00048), 236 Pearl Street, 250 Pearl Street and 255 Canyon Boulevard.

- B. Call Up Item: Floodplain Development Permit (LUR2016-00049), 5765 Arapahoe Avenue.
- C. Call Up Item: Wetland Permit (LUR2016-00061), Chautauqua Trail Improvements.
 - o C. Gray asked about the design of the “gathering areas” on the trail and if the concerns raised by the Colorado Chautauqua Association had been resolved. Staff said they would follow up with information.
- D. Call Up Item: Wetland Permit (LUR2016-00062), 479 Arapahoe Avenue.

None of the items were called up.

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and consideration of a Site and Use Review (LUR2016-00056 & LUR2016-00057) proposal to establish a retail store and café use at 1815 Pearl St. The total square footage of the tenant space is 2, 642 square feet with 1,984 square feet of retail and 658 square feet of café space with 40 seats. A concurrent site review has been submitted for consideration of an 89% parking reduction.

Applicant: Vincent J. Porreca
 Owner: CCPL Real Estate Group, LLC

Board members were asked to reveal any ex-parte contacts they may have had on this item.

- C. Gray recused herself as she lives within 600 feet of the proposed project.
- L. Payton disclosed that she had read an article in the Daily Camera newspaper regarding the proposed project. She informed the board that it would not influence her decision.

Staff Presentation:

- C. Ferro introduced the item.
- C. Hill presented the item to the board.

Board Questions:

- C. Hill and C. Ferro answered questions from the board.

Applicant Presentation:

- Brendan Quirk, with Rapha North America, presented the item to the board.

Board Questions:

- Brendan Quirk, the applicant, answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

- All board members agreed that the key issues regarding the Use Review and Site Review Criteria had been met, specifically the parking reduction criteria.

Motion:

Motion by **B. Bowen**, seconded by **J. Putnam**, that Planning Board approve the Site Review application LUR2016-00057 and Use Review application LUR2016-00056, incorporating the staff memorandum and the attached analysis of the Site Review and Use Review criteria as findings of fact and subject to the recommended Conditions of Approval in the staff memo.

Friendly amendment by **L. Payton** to add a condition requiring that if the space in front of the store is adequate to meet City of Boulder standards, the Applicant shall provide for the installation of additional bicycle parking.

Friendly amendment was accepted by **B. Bowen** and **J. Putnam**.

Passed 6:0 (**C. Gray** recused)

- B. AGENDA TITLE: CONCEPT PLAN & REVIEW - Concept Plan Review and Comment for redevelopment of 1102 Pearl Street (currently the Old Chicago Restaurant) into a 15,380 square foot, three story retail office building of 38 feet. Reviewed under case no. LUR2016-00058.**

Applicant: Jim Bray
Developer: PMD Realty (Phil Day)

Staff Presentation:

C. Ferro introduced the item.

E. McLaughlin presented the item to the board.

Board Questions:

E. McLaughlin answered questions from the board.

Applicant Presentation:

Madeline Day, the owner representative, and **Jim Bray**, architect and applicant representative with Bray Architecture, presented the item to the board.

Board Questions:

Jim Bray, the architect, and **J. Hewat** answered questions from the board.

Public Hearing:

1. **Paul Eklund** spoke in support to the project

Board Comments:

- The board agreed to discuss the proposed project in terms of the originally submitted design in the packet and the revised design presented to the board at the hearing.

Key Issue #1: Is the concept consistent w/ the BVCP?

- **J. Putnam** agreed the concept is consistent as it fits within the map designations and the BVCP principles identified.
- All board members agreed with **J. Putnam**.
- **L. Payton** added that she does not agree that the project is consistent with all BVCP policies. Due to the fact that the project is in an historic district, she questions if it would be consistent with BVCP policy “2.39 Sensitive Infill and Redevelopment.” She expressed concern regarding the residential aspects of the new design and compliance with the Comp Plan policy.
- **C. Gray** added that the BVCP policy “2.40 Physical Design for People,” should be considered when designing an outdoor patio when considering a restaurant in the design. Residential units in that area would be helpful and proposed that staff review a parking reduction so more, smaller units could be incorporated. It would give more eyes on the street and vitality in the area.
- **B. Bowen** agreed with **C. Gray** regarding a possible residential component downtown.
- **J. Putnam** stated that he could support a diversity of units if at least one unit were permanently affordable on-site.
- **B. Bowen** disagreed with **J. Putnam’s** comment with having only one unit permanently affordable, however he would be in favor of a multi-unit affordability.
- **J. Gerstle** gave a summary of the board’s comments regarding Key Issue #1. He stated that the board felt the concept plan was generally consistent with the BVCP policies with the exceptions mentioned by **L. Payton**. He said that he would support small residential units on the third floor with parking requirement reductions.

Key Issue #2: Is the concept preliminarily consistent w/ the Downtown Design Guidelines?

- **C. Gray** suggested that the proposed corner be designed with a prominent cornice. She supports the change on 11th Street regarding the elevator in terms of the revised treatment and that it breaks up the buildings.
- **L. May** generally agreed with staff comments. The corner element should be accented. The parapet should extend all the way across. The new proposed design does not relate to the overall mass. The window opening articulation is tall and vertical in proportion which relates well. The corner element appears too jumbled. He suggested carrying the glazing pattern to the ground. On the west elevation, the elevator shaft appears awkward. He suggested a higher parapet to the elevator, then step down for the remainder of the building. The new design is better articulated and cleaner. Regarding the slit between the two buildings, he added it reads as an entrance. He suggested it become one.
- **B. Bowen** agreed with **L. May**. The new design is more successful. He likes the transom windows over the awnings and the large operable windows on the corner. He is ambivalent toward a two-story building vs. a three-story. He hopes the project has multiple retail tenants on the main floor. He approves of the artful alley elevation. He suggested adding public art.

- **H. Zuckerman** agreed with the previous comments. The corner of the building needs a stronger cornice to define the roofline of the building like the neighboring traditional buildings. He reminded the applicant that this is the west gateway to the Pearl Street Mall. Perhaps a mitered corner to mirror the building on the north side of the street would create a gateway feature. In the outdoor seating space, the proposed posts are too big. He suggested using wrought iron. In addition, he would like to see more street trees to shade the 11th Street sidewalk. In the new design, he approves of the slit on the west elevation as it adds visual interest. He also approves of the second-story awnings and that the building material proposed is brick. He suggested adding a polychromatic look and additional textural elements to the brick to create visual relief on the facade similar to the traditional building.
- **L. Payton** stated that the new design is keeping with the Downtown Urban Design Guidelines for the historic district. She agreed with **H. Zuckerman** regarding his parapet suggestions. The third-story corner element is a good idea however the top windows are not successful. She agreed with the comments regarding making an entrance on 11th Street.
- **J. Putnam** agreed that the third-story design works well but the design needs some refinement.
- **J. Gerstle** agreed with all previous comments.
- **B. Bowen**, regarding the wrapping of the materials, it would be important that they continue all the way around the building.
- **L. May**, regarding the alley issue, the pattern of fenestration should carry around the corner. He added that the third-story element appears too thin and suggested bringing up the parapet. In addition, the change of brick color is not necessary. If the color were the same, it would integrate better with the mass.
- **B. Bowen** suggested the applicant could do some creative design elements too.

Board Summary:

Since this is a Concept Review, no action is required on behalf of the Planning Board.

- C. AGENDA TITLE: Public hearing to consider a proposal (LUR2016-00028) to rezone the AirGas site at 3200 Bluff Street, a roughly one-acre property, from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) and make a recommendation to City Council.

Applicant: Kirsten Ehrhardt, Coburn Development, Inc.
 Property Owner: AirGas InterMountain, Inc

Staff Presentation:

- C. Ferro** introduced the item.
K. Guiler presented the item to the board.

Board Questions:

- K. Guiler** answered questions from the board.

Applicant Presentation:

Andy Bush, with Morgan Creek Ventures representing the applicant, presented the item to the board.

Board Questions:

Andy Bush, the applicant’s representative, and **Bill Holicky**, with Coburn Development, answered questions from the board.

Public Hearing:

No one spoke.

Board Comments:

- The board had no comments regarding the key issues of rezoning to bring the property into conformance with Mixed Use Business BVCP Land Use Designation Map or with the TVAP land use goals.

Motion:

On a motion by **J. Putnam** seconded by **L. Payton** the Planning Board recommended approval (7-0) of the rezoning of the property from IMS to MU-4 having met the criteria for rezoning under Section 9-2-19 (e) and (f).

D. AGENDA TITLE: Public hearing for consideration of a Concept Plan proposal (LUR2016-00059) to develop an existing 1.4-acre property with a residential multifamily permanently affordable housing development consisting of 19 total multi-family units and a central community open space within the RM-2 [Residential Medium – 2] zoning district at 2180 Violet Avenue. The applicant is also requesting preliminary consideration of amendments to annexation agreements that apply to 2180 Violet Ave., 1917 Upland Ave., and 2145 Upland Ave. to permit the transfer of all permanently affordable units from those sites to the 2180 Violet site and other changes.

Applicant: Jeff Dawson, Studio Architecture
Property Owner: Flatirons Habitat for Humanity

Staff Presentation:

C. Ferro introduced the item.

K. Guiler presented the item to the board.

Board Questions:

K. Guiler and **C. Ferro** answered questions from the board.

Applicant Presentation:

Susan Lythgoe, with Flatirons Habitat for Humanity, and **Jeff Dawson**, with Studio Architecture, presented the item to the board.

Board Questions:

Jeff Dawson, the architect, answered questions from the board.

Public Hearing:

1. **Janet Meyer** spoke in support to the project but in opposition to the number of units proposed and the duration of proposed construction.
2. **Suzanne Wight** spoke in support of the project but in opposition to the number of units proposed and the duration of proposed construction.
3. **Victor Lemus** spoke in support of the project.
4. **Robert Naumann** spoke in support of the project.
5. **Nolan Rosall** spoke in support of the project.

Board members were asked to reveal any ex-parte contacts they may have had on this item.

- **B. Bowen** disclosed that Habitat for Humanity had been his client in the past and one of the public speakers is currently a client of his, however he could remain impartial.
- **L. May** disclosed that he had worked for Habitat for Humanity several years ago but it would not affect his ability to remain impartial.

Board Comments:

Key Issue #1: Is the concept consistent with the BVCP/NBSP? And,

Key Issue #2: Is the proposed site and building design consistent with intent of BVCP Policy 2.37 Enhanced Design for Private Sector Projects?

- **B. Bowen** stated that the proposed plan is compliant.
- **C. Gray** stated, regarding the NBSP, that it would be important to make sure the neighborhood is comfortable with the transfer of the units. Her only concern with the BVCP is the neighborhood pattern regarding the townhomes. Home ownership is important.
- **L. May** stated the project is consistent with the BVCP. He has concerns with the integration of affordable housing.
- **H. Zuckerman** approves of the energy efficient building design and the project is consistent with the BVCP/NBSP.
- **L. Payton** agreed. She is concerned where children would play.
- **J. Putnam** stated the buildings should be positioned closer to street.
- **J. Gerstle** stated the board concluded that the project is consistent with the BVCP/NBSP. He added the proposed front doors facing Violet Avenue may not be effectively used.
- **L. May** stated the existing street typology does not support the current NBSP. He suggested focusing on the common open space, rather than the street fronts of the buildings, sliding the buildings closer to the street creating more open space.
- **L. Payton** commented that Violet Avenue has the potential to be a good pedestrian and bike connection, therefore she would lobby making it a nicer street scape.
- **B. Bowen** agreed with both **L. May** and **L. Payton**. Design the project to anticipate on-street parking, pedestrian and bike usage, but also let the back side embrace a commons area.
- **H. Zuckerman, C. Gray** and **J. Gerstle** agreed.
- **B. Bowen** walked the board and applicant through some proposed site organization ideas of the design. The Violet Avenue streetscape should be rich. Setback needs to be tighter

on Violet Avenue. Front porches need to be strong with low picket fences. As the units move forward, remove the open space on Violet Avenue. From the backside of the project, line the alley with the parking and carports rather than have it in the commons area. The entire middle of the project would be open for green space. The bike path needs to be interesting. He advocated for on-street parking on 22nd Street. He proposed placing the detention pond at the east end.

- The board indicated support for a 24-foot backing distance and centering in the alley.
- **C. Gray** supports **B. Bowen's** proposal and reducing the setback on Violet Avenue to allow for a larger common area in the center.
- **L. Payton** agreed with comments. She would support Violet Avenue to become walkable. She would defer the picket fence until Violet Avenue becomes a heavily walked area.
- **H. Zuckerman** agreed. He stated that the finished floor height of homes with porches needs to be 32 inches minimum.
- **J. Putnam** said that bike access off Violet Avenue and bike storage on the north side should be added. Also, he encouraged carports are prewired for EV.
- **J. Gerstle** suggested that on-street parking should be added to Violet Avenue especially if the parking is done on the alley so front entrances are used.
- **C. Gray** suggested walkways from the alley into the project if the carports are moved to the alley.
- **L. Payton** expressed concern regarding the multi-color units and suggested one color per unit. Materials and elements need to be substantial. She approves of the gable roofs and proportions.
- **L. May** agreed. The color scheme needs to be coherent.
- **B. Bowen** agreed regarding the coloration. Narrow exposures are better. The porches need to be a minimum of seven to eight-foot-deep, with solid roofs and railings.

Key Issue #3: Does the Planning Board preliminary support the proposed changes to the annexation agreement? Specifically, the requested increase in density to 19 units and relocating all permanently affordable units from the three properties to the subject property? Right-of-way adjustments?

Density

- **L. May** stated that integration ties into density, therefore he supports the proposed density.
- **J. Putnam** agreed. He suggested improving the green space and open space.
- **L. Payton** agreed.
- **B. Bowen** approved of the stewardship training. He suggested main floor master units.
- **C. Gray** suggested a mix of bedroom configurations. She asked the Habitat for Humanity representatives if the owner reduced the price of the land to reflect moving the affordable housing requirements from the three other parcels to this project. The answer from Habitat was yes.
- **J. Gerstle** agreed. He suggested having open space between buildings going through to Violet Avenue.

- **L. Payton** disagreed since there may be a number of children living on the project and there may be traffic concerns.

ROW Adjustments

- All board members agreed that that they should be smaller.

Board Summary:

Since this is a Concept Review, no action is required on behalf of the Planning Board.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

A. Holding BVCP Public Hearings for Plan Policies

Board Comments:

- The board discussed the possibility of holding additional public hearings for discussing the Boulder Valley Comprehensive Plan.
- The board was in support of having public input at Planning Board meetings but also at outreach meetings. Both formats are found to be useful.
- Additional public hearing dates to discuss the BVCP will be discussed with staff.

B. Medium Density Overlay Zone

Board Comments:

- The board asked staff to send them an update to the Code.
- **C. Ferro** informed the board they will need to follow up and get back to the board.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:54 p.m.

APPROVED BY


Board Chair

15 Sept 2016
DATE

**CITY OF BOULDER
BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING
MINUTES**

Name of Board/ Commission: Transportation Advisory Board	
Date of Meeting: August 8, 2016	
Contact Information Preparing Summary: Meredith Schleske 303.441.3204	
Board Members Present: Bill Rigler, Chair; Dom Nozzi, Anna Reid, Jennifer Nicoll Board Members Absent: Zane Selvans	
Staff Present: Michael Gardner-Sweeney, Director of Public Works for Transportation Kathleen Bracke, GO Boulder Manager Bill Cowern, Acting Principal Traffic Engineer Jean Sanson, Senior Transportation Planner Randall Rutsch, Senior Transportation Planner Brett KenCairn, Senior Environmental Planner Meredith Schleske, Board Secretary	
Type of Meeting: Advisory/ Regular	
Agenda Item 1: Call to Order	[6:03 p.m.]
The meeting was called to order at 6:03 p.m.	
Agenda Item 2: Approval of minutes from July. Move to approve 11 July, 2016 minutes as presented. Motion: Nozzi Second: Nicoll 4:0:0 Motion Passes	
Agenda Item 3: Public Participation	[6:05 p.m.]
<ul style="list-style-type: none"> Sue Prant, Executive Director of Community Cycles – Boulder has need for safer streets, believes the rate of crashes has increased significantly, creating a public emergency. Make it less likely to occur, less deadly, supports Vision Zero. Encourages TAB to keep working on safer streets on their agenda. 	
Agenda Item 4: City Council Boards and Commissions Subcommittee visit with Matt Appelbaum	[6:10 p.m.]
<p>Mr. Appelbaum is an emissary from City Council and serves on the City Council Boards and Commissions Subcommittee. Their goal is to improve communications and report back ideas and concerns. The annual letter to Council from the board in preparation for their retreat is the best way to communicate substantive items. TAB may also send a letter or email Mr. Appelbaum directly. When queried by the board about the appropriate level of board advocacy on initiatives, Matt suggested the Board push but be smart and realistic. Evolution not revolution. Make the system better for pedestrians, cyclists, and transit patrons without inappropriately burdensome tradeoffs. TAB should have a representative at transportation study session.</p> <p>Board discussion:</p> <ul style="list-style-type: none"> Suggestion that pushback on the Folsom Living Labs experiment may have created timidity but TAB should continue to make proposals. 	
Agenda Item 5: Safe Streets Boulder – next steps and recommendations	[6:33 p.m.]
<p>Bill Cowern and David Kemp made the presentation with Shannon Young and Kathleen Bracke as resources. A Vision Zero working group is being formed; TAB is invited to appoint a representative.</p> <p>Board feedback:</p> <ul style="list-style-type: none"> Question regarding how TAB can help inform the public about the Safe Streets report and Toward Vision Zero implementation. Request for marketing and communication plans for specific initiatives. Suggestion to invite representatives from local advertising and marketing agencies on the Vision Zero working group. Concern expressed that installing more warning signage yields diminishing returns and unintentional consequences of a “forgiving road” paradigm. Question regarding how much the “Inquire Boulder” program is used and its impact. 	

Agenda Item 6: Trends in Electric Vehicles, Autonomous Vehicles and the Shared Economy – Rocky Mountain Institute presentation [7:17 p.m.]

E.J. Klock-McCook made the same presentation as for the City Council Study Session.

Board feedback:

- Inquiry whether there is evidence that transit ridership has increased due to Denver Tech Center (DTC) public transit partnerships.
- Concern expressed about autonomous transportation and the possibility of more motor trips coupled with latent demand.
- Questions about how pilot programs are funded and parking for electronic autonomous vehicles.
- Expression of intent to keep disruptive technologies on TAB's agenda.

Agenda Item 7: Staff briefing and TAB discussion regarding East Arapahoe Transportation Plan, including updates from regional SH7 corridor plan [7:56 p.m.]

Jean Sanson presented the update and noted that East Arapahoe Avenue working group members Aaron Pasterz and Brienne Eby were in attendance. TAB member Anna Reid also serves on that group. TAB was offered the opportunity to host a public meeting on the East Arapahoe Transportation Plan.

Board feedback:

- Comment that winter may be a better TAB/East Arapahoe working group or TAB/public meeting time of year.
- Request that TAB be provided land use plans for 15 years out.
- Suggestions include a strong statement of the land use urban design vision for the East Arapahoe corridor in the transportation plan; include bike, pedestrian, vehicle, and transit levels of service; define the vision and consider moving away from space-expansive designs.
- TAB members are encouraged to comment to Jean Sanson or Anna Reid.

Agenda Item 8: Staff briefing and TAB input on the BVCP transportation policy text update for consistency with the TMP and process next steps [8:33 p.m.]

Randall Rutsch made the presentation.

Board feedback:

- Questions regarding how TAB can be helpful with improving the BVCP update.
- TAB should email or call Randall Rutsch with additional comments.

Agenda Item 9: Matters [9:25 p.m.]

A. Matters from the Board

- Expressions of consolation in the recent death of triathlete Michelle Walters at the Ironman, congratulations to Mara Abbott in the Rio Olympics and good luck to Olympian Taylor Phinney.
- Web update – suggestions include a photo of TAB members and opinion articles, links to the new Boulder newsletter, and TAB posts to the City Facebook page. Bill Rigler and Jennifer Nicoll will propose changes. TAB members may respond to staff responses to emails and copy to the full board.
- Suggestion made to add an “opt-in” section to the public comment registration form to authorize follow up.
- Updates: collaboration with other city boards – there is a joint board workshop 8/29/2016 regarding the Boulder Valley Comprehensive Plan (BVCP). Materials will be provided in advance.
- Suggestion to add Safe Streets as a recurring agenda item.
- Dom Nozzi will present views on transportation safety at the September 2016 TAB meeting.
- eGO CarShare and Boulder B Cycle rideshare presentation may be scheduled this fall.
- Bill Rigler and Jennifer Nicoll will author a press release and social media posts regarding Safe Streets.

B. Matters from the Staff/ Non-Agenda

- Climate Commitment briefing (Brett KenCairn)
 - A document showing trends in EV use will be forwarded to TAB. Costs are declining dramatically.

[9:03 p.m.]

- Living Lab Phase II Update – will be removed as a recurring item.
- RTD/Regional studies update - continue to meet on a variety of projects and issues, including Flatiron Flyer enhancement and expansion and Bus to Work Day. HOV requirements on US 36 will increase from two occupants to three in January 2017. There is a new stop at Regent Drive. An RTD representative will be invited to speak to TAB, perhaps in October.
- Other matters – there were none.

Agenda Item 7: Future Schedule Discussion

[9:50 p.m.]

- Jennifer Nicoll will be excused for the September TAB meeting.
- Joint PRAB/TAB meeting will be scheduled in the September/October timeframe.

Date, Time, and Location of Next Meeting:

The next meeting will be a regular meeting on Monday, 12 September 2016 in the 1777 West Conference Room, 1st floor of the Municipal Building, at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

Will J. Park
Board Chair

12 Sept 2016
Date

ATTESTED:

[Signature]
Board Secretary

9/12/16
Date

An audio recording of the full meeting for which these minutes are a summary is available on the Transportation Advisory Board web page.

**Conflict Resolution Month
October 2016**

Conflict resolution encompasses mediation, arbitration, facilitation, collaborative decision-making, restorative justice, and other responses to resolving differences in a constructive and collaborative manner.

The conflict resolution process empowers individuals, families, communities, organizations, municipalities and businesses to foster communication and devise solutions that are acceptable to the needs and interests of all parties involved.

Conflict resolution is taught and practiced by citizens in many school systems, universities and graduate programs throughout Colorado and the world as a way of solving disputes.

Community-based programs fairly and equitably resolve neighborhood and community conflicts, thereby strengthening these relationships.

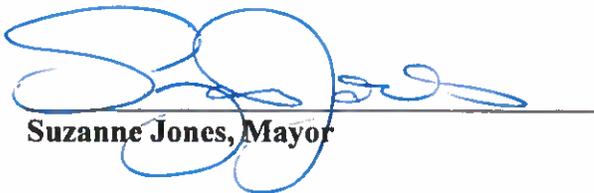
Mediation and conflict resolution reduces the need for more costly interventions; such as: civil and criminal legal action, as well as police involvement.

The City of Boulder regularly uses mediation, facilitation, and conflict resolution to bring collaborative resolution to disputes.

Mediation and conflict resolution can constructively address negative impacts of violence, as well as conflict related to family, neighborhood, school, and bullying issues.

The City Council of the City of Boulder, Colorado, declares that October 2016 is recognized as

Conflict Resolution Month


Suzanne Jones, Mayor



**Escoffier Day in Boulder
October 9, 2016**

The city of Boulder is home to the world famous Auguste Escoffier School of Culinary Arts, offering accredited Culinary and Pastry Programs with Farm-To-Table Focus.

The school offers a culinary arts program based on the methods, principles and systems of Auguste Escoffier. Students have the opportunity to learn history and context directly from the Escoffier Family, as well as from expert chef instructors.

The Schools' Culinary Arts and Pastry Arts certificate programs offer rigorous industry skills training, as well as grounding in the standards of professionalism and excellence.

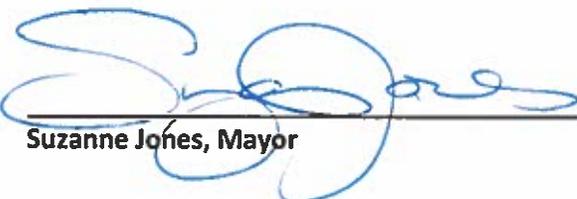
The school celebrates its expansion plans and welcomes Michel Escoffier, the great-grandson of Master Chef Auguste Escoffier, current President of the Escoffier Museum and Foundation in Villeneuve-Loubet, France and school advisory board member to Boulder.

Michel Escoffier will induct select Boulder culinary professionals into the prestigious Disciples d' Escoffier - a premier International gastronomic society established in France to maintain the good name and traditions of French Cuisine. The goals of the Disciples Escoffier International are to honor the memory of Auguste Escoffier worldwide, promoting and preserving his work and maintaining the great culinary traditions; to promote culinary education and apprenticeship encouraging young people to discover the desire and motivation to work as a professional chef.

This year's celebration falls in conjunction with the 170th birthday of the famed chef, Auguste Escoffier, and to celebrate his legacy, honor his memory, as well as promote the preservation of his name and many achievements in the culinary industry.

The City Council of the City of Boulder, Colorado, declares October 9, 2016 as:

Escoffier Day in Boulder


Suzanne Jones, Mayor



A Declaration in Celebration of Boulder Members of the 2016 United States Olympic Team

Five athletes from Boulder competed in the 2016 Summer Olympics in Rio de Janeiro, Brazil, and did so with honor and by embracing the finest traditions of the Olympic games.

Mara Abbott rode in cycling's 236 kilometer road race, leading most of the way since conquering the steep grades of Vista Chinesa until the very last 150 meters, ultimately finishing in fourth place.

Emma Coburn brought home the first ever US women's medal in the 3,000-meter steeplechase by winning the bronze medal.

Taylor Phinney overcame near career-ending injuries from a crash during the 2014 US National Road Racing Championships to compete in the 2016 Olympics and finish in 22nd place in cycling's team trial event.

Jenny Simpson brought home the first ever US women's medal in track and field's 1,500-meter event by winning the bronze medal.

Chloe Woodruff rode with impressive determination to finish in 14th place in cycling's mountain bike event.

The City of Boulder is proud of all of these athletes' dedication and hard-earned accomplishments in the Olympics.

The City Council of the City of Boulder, Colorado, honors and celebrates the accomplishments of all five of Boulder's 2016 Olympians.



Suzanne Jones, Mayor



**Celebration! A History of the Visual Arts in Boulder (HOVAB)
September 29, 2016 – January 15, 2017**

HOVAB is a three-and-a-half month, city-wide, one-time-only, grassroots event, taking place in 18 exhibition venues across town with over 300 local artists, featuring 50 adjunct programs, including film screenings, panels and presentations relevant to the visual arts in Boulder.

The City of Boulder has generously supported the project with grants in the amount of \$20,000 from the Boulder Arts Commission and with support in the amount of \$5,000 from the Boulder Public Library.

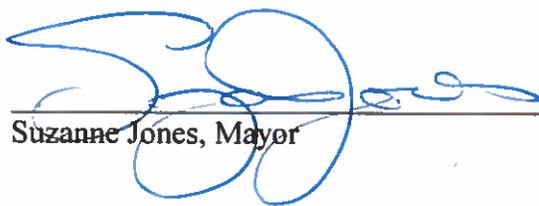
HOVAB is dedicated to the memory of Karen Ripley Dugan (1939 to 2015) who, before her death, curated the HOVAB exhibition at the Canyon Gallery, Boulder Public Library and who was a tireless champion of this project and all the arts in Boulder;

HOVAB is documenting the project through the production of a beautiful, full-color, 250-page catalogue, edited by Jennifer Heath, with a preface by renowned Boulder art collector Mark Addison, with contributions from CU Art and Art Department Chair, Kirk T. Ambrose, art historian Joan Markowitz, city historian Carol Taylor, and many others writing about how Boulder's aesthetic was shaped, Boulder's early women artists, visions of land and landscape, environmental concerns in art, public art, diversity, visiting artists, the genesis of our cultural institutions and much more, including hundreds of images and more than 50 pages of artist biographies from the 19th century to the present.

HOVAB provides a walking tour of outdoor art and sculpture including some of Boulder's most interesting or iconic works of public art from pieces located along 28th Street and the Boulder Creek, sculptures in the Charles Haertling Sculpture Park and the bronze buffalo in the CU Stadium donated to CU by Stephen Tebo.

HOVAB will provide opportunities to the Boulder community to enjoy the art of its own citizens and draw regional and national visitors.

The City Council of the City of Boulder, Colorado, declares that from September 29, 2016 to January, 15, 2017, the over 300 local artists and the planners and curators of HOVAB be recognized for their valuable contributions to the community.



Suzanne Jones, Mayor

