



## INFORMATION PACKET

**TO:** Mayor Osborne and Members of Council  
**FROM:** Dianne Marshall, Administrative Specialist III  
**DATE:** June 29, 2011  
**SUBJECT:** Information Packet

### 1. Call Ups

None.

### 2. Information Items from Staff

- A. 2011 Ballot Items Update
- B. Reallocation of Code Enforcement Supervision
- C. Former Daily Camera Site (11<sup>th</sup> and Pearl) Application Status
- D. US 36 Implementation Progress and Status Report

### 3. Boards and Commissions Minutes

- A. Human Relations Commission – May 16, 2011
- B. Transportation Advisory Board – April 11, 2011

### 4. Declarations

- A. Amma Declaration
- B. National HIV Testing Day Declaration
- C. zpizza Declaration

Complete copies of all items listed above are available for review at [www.bouldercolorado.gov](http://www.bouldercolorado.gov), Central Records and the Main Public Library's Reference Center. If you have any questions, please call the City Manager's Office at 303-441-3090.



**INFORMATION PACKET  
MEMORANDUM**

To: Mayor Osborne and City Council

From: Jane S. Brautigam, City Manager  
Tom Carr, City Attorney  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director of Planning and Sustainability  
Bob Eichem, Chief Financial Officer  
David Gehr, Deputy City Attorney  
Alisa D. Lewis, City Clerk  
Maureen Rait, Executive Director of Public Works  
Tracy Winfree, Director Public Works, Transportation

Date: June 30, 2011

Subject: Information Item: Update on 2011 Ballot Items

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**EXECUTIVE SUMMARY**

Based on discussions held at various study sessions, ballot language will be brought forward for council's consideration on the following topics:

Boulder's Energy Future:

Information on potential ballot items for the November 2011 election was presented and discussed at council study sessions on April 26, May 10 and June 14 of 2011 and at the council business meeting on June 7. Council requested that staff draft ballot options that will create a local utility with bonding authority. Additionally, council requested general governance guidelines that could be placed in the City Charter, including the creation of a utility board with membership that would exceed the five-person limitation in City Charter Section 130. Further, on June 7, council approved first reading of a placeholder ordinance for a potential Xcel Energy franchise agreement. These items are anticipated to move forward for further council consideration on July 19.

Charter Proposals:

Council discussed potential charter amendments at a study session on April 26 and May 17 of 2011. Council directed staff to draft five separate potential charter change ballot items for consideration on July 19. The charter change ballot items are:

- (1) clean-up provisions, including changes to reflect current organizational structure,
- (2) making penalties for charter violations consistent with penalties for code violations,
- (3) changing election language to be consistent with current election practices,
- (4) revising the procedures for initiatives to provide flexibility to meet various election timelines and to limit the amount of time petitions can be circulated for signature, and
- (5) changing the basis on which council members are compensated for meetings to an annual rather than monthly basis.

Capital Investment Strategy for the Capital Improvement Program:

City Council discussed the background and rationale for proceeding with developing a Capital Investment Strategy at the Feb. 22, 2011 study session, April 5, 2011 meeting, and the April 26, 2011 study session. As a result, a ballot question asking voters to support authorizing bonds without a tax increase for up to \$55 million of capital improvements is being developed. Project investment packages are currently under review and development through staff analysis, board and commission input, and guidance from a city manager-appointed Capital Investment Strategy stakeholder committee. Council will be provided with a recommended investment package and draft ballot language for consideration on July 19.

Advisory Ballot Question – Amendment to the United States Constitution:

Members of the public have asked council to place an advisory ballot question regarding a potential amendment to the United States Constitution eliminating corporations from the definition of "person" under the bill of rights and the Fourteenth Amendment. Council has requested that staff analyze the proposal. The council will consider information regarding that analysis on July 19.

**FISCAL IMPACT/ COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

As individual ballot items move forward for consideration by the City Council, an analysis of fiscal impacts, community sustainability assessments and impacts will be completed for each.

**BACKGROUND AND ANALYSIS**

Boulder's Energy Future:

Background and analytical information in regard to Boulder's Energy Future was presented and discussed at council study sessions on April 26, May 10 and June 14 of 2011 and at the council business meeting on June 7. The staff memorandums for the study sessions and agenda items may be found at: [www.BoulderEnergyFuture.com](http://www.BoulderEnergyFuture.com).

### Charter Proposals:

Background information and drafts of the changes to the charter were part of the packet for the May 17, 2011 study session and can be found at [www.bouldercolorado.gov > Government > City Council > Study Sessions > May 17](http://www.bouldercolorado.gov > Government > City Council > Study Sessions > May 17).

### Capital Investment Strategy for the Capital Improvement Program:

City Council has discussed the background and rationale for proceeding with developing a Capital Investment Strategy at three council meetings. The memos for the following meetings are available online at [www.bouldercolorado.gov/cis](http://www.bouldercolorado.gov/cis): Feb. 22, 2011 study session, April 5, 2011 meeting, and the April 26, 2011 study session. Some follow-up questions to the Feb. 22 study session were answered in a May 31 information packet memo, which is also available on this site.

The city manager-appointed Capital Investment Strategy stakeholder committee had its first meeting on May 16, 2011, during which the committee was provided with the background information from the council study sessions and agendas. In addition, the committee discussed its role as advisory to staff and City Council, the scope of its charge from the city manager and council, and ground rules for how committee members will be working with each other and staff. Affected boards have also provided input to help prioritize capital investments under their specific purview. An update on the committee's work was provided by the city manager at the study session on June 16, 2011. All of the information emerging from the stakeholder committee process can be found at the project website: [www.bouldercolorado.gov/cis](http://www.bouldercolorado.gov/cis).

### Advisory Ballot Question – Amendment to the United States Constitution:

Over the past few weeks, members of the public have asked council – through public comment portions of meetings and email correspondence - to place an advisory ballot question regarding a potential amendment to the United States Constitution eliminating corporations from the definition of "person" under the bill of rights and the Fourteenth Amendment. Council, which has requested that staff analyze the proposal, will consider information regarding such analysis on July 19 and provide direction on next steps.

### **NEXT STEPS**

The April 26 study session summary will come to council for review on July 19. Since the election this year falls on Nov. 1, the timelines for ballot measures is earlier than usual. First readings are scheduled for July 19 with second and third readings falling on August 2 and 16. Of special note is the requirement by Charter Section 20 regarding Franchise agreements that states “No proposed ordinance granting any proposed franchise shall be put upon its final passage within 60 days after introduction, nor until it has been published not less than once a week for two consecutive weeks in one daily newspaper of the city in general circulation.” In order to meet this requirement, a special meeting could be called for Aug. 23 and that would allow publication of a Franchise ordinance on Aug. 9 and 16.

### Boulder's Energy Future:

The June 14 study session focused on the presentation of analysis results regarding the legal, technical and financial feasibility of creating a local electric utility in Boulder. It also included a brief update on the Xcel proposal and provided an overview of ballot options for council consideration, as well as an updated report on the "localization" study.

The evaluation of the information, relative to the goals and objectives adopted by City Council on March 1, continues in addition to the analysis of the new proposal from Xcel. This work will be completed in a timely and comprehensive manner to inform council and community consideration of the potential paths.

Key work tasks planned for the remainder of June and into July, in preparation for the July 19 public hearing before council include:

1. Ongoing outreach, education and media relations. Public outreach activities, media relations, and business community outreach, including the planned public forum on June 28, will continue.
2. Analysis of new Xcel proposal. A detailed analysis of the new proposal from Xcel (projected rate impacts and benefits, GHG emissions, financing options, relationship to localization goals, etc.) is being conducted and a summary of analysis information to date will be prepared for the June 28 public forum and also made available for the July 19 public hearing.
3. Continued refinement of other analyses. Additional information is being prepared and refinements made to analyses, as needed, based on council's input and continued review by expert advisors and staff.
4. Preparation of Ballot language. Ballot language options are being developed based on input from council at the June 14 study session, as well as input from bond counsel.
5. Completion of community survey. A random sample survey of Boulder voters is being conducted to better understand how well information is being communicated and gauge community perspectives on the options under consideration.

### Charter Proposals:

Council will consider the final form of ballot questions for charter amendments on July 19.

### Capital Investment Strategy for the Capital Improvement Program:

1. The stakeholder committee will have met twice in June to help develop, review and fine-tune a recommended prioritized list of investments and/or investment packages for the 2011 ballot.
2. Recommendations by the stakeholder committee are scheduled to be finalized at its July 11 meeting. As a part of the meeting, an open house is being scheduled during which the stakeholder committee members and affected board members will meet to

discuss the 2011 recommendation(s) and begin discussions involving the significant work program that will support a potential 2012 ballot item.

3. Stakeholder recommendations for proposed ballot language for the November 2011 election will be provided for City Council consideration and first reading on July 19.

Advisory Ballot Question – Amendment to the United States Constitution:

Council will consider information regarding a staff analysis of the proposed advisory ballot question on July 19 and provide direction on next steps.



## MEMORANDUM

To: Mayor Osborne and City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
Mark Beckner, Chief of Police  
Maureen Rait, Executive Director of Public Works  
David Driskell, Executive Director of Community Planning & Sustainability  
Greg Testa, Deputy Chief of Police  
Dave Hayes, Deputy Chief of Police  
Jeff Arthur, Engineering Review Manager/Acting Code Enforcement Supervisor

Date: June 30, 2011

**Subject: Information Item: Reallocation of Code Enforcement Functions**

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### EXECUTIVE SUMMARY

This memorandum outlines a plan to shift resources from the Public Works Department (PW) to the Police Department (BPD) to more efficiently and effectively carry out certain law enforcement functions. The city's Environmental and Zoning Enforcement workgroup (EZEEO) is currently supervised within PW and consists of three officers plus a 0.75 full time equivalent (FTE) administrative support position. Current vacancies in two of those positions have provided an opportunity to reassess staffing needs and organizational structure.

The following plan involves shifting the two vacant positions and associated non-personnel expenses from PW to the BPD along with a defined set of enforcement responsibilities. A vacant Community Services Officer position in PD will be reallocated and upgraded to establish an associated supervisory position. These vacant positions will be filled as soon as possible in anticipation of the historically high activity period in the fall move-in timeframe. Funding will be transferred from PW to BPD to cover the remainder of 2011 and will be addressed in both departments' 2012 budget submittals.

### FISCAL IMPACT

The reallocation will utilize vacant FTE positions already funded in the PW and BPD budgets. The reclassification of the vacant 1.0 FTE EZEEO officer to a lower pay grade will result in salary savings that will offset the conversion of the vacant 0.75 FTE administrative position to a 1.0 FTE officer. The efficiencies gained through the proposed resource shift are expected to create opportunities for improved service levels and/or decreased costs over time.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic:** Improving the efficiency and effectiveness of the enforcement of quality of life ordinances, such as weed and trash accumulation regulations, supports economic sustainability by helping to create a more attractive place to do business.
- **Environmental:** Improving the efficiency and effectiveness of the enforcement of environmental protection regulations, such stormwater quality and wetlands protection, contributes to environmental sustainability by helping to protect important natural resources.
- **Social:** The city has a wide variety of code requirements intended to address the diverse needs of the community. Improving the efficiency and effectiveness of code enforcement functions benefits all members of the community.

## **BACKGROUND**

In September 2008, the city convened the Blue Ribbon Commission II (BRC II). The commission's focus was on reviewing city expenditures to ensure that public funds were being used effectively and efficiently. The commission was also asked to identify opportunities to enhance organizational efficiency. In March 2010, BRC II released its Phase II Final Report. Among the findings of the report was that the city should identify and address duplicative services and examine opportunities to centralize functions where appropriate.

Following the retirement of the city's Code Enforcement Supervisor in the spring of 2010, the associated vacant FTE was shifted from PW to BPD. This shift allowed for consolidation of noise and nuisance party enforcement, which was previously divided between the two departments. The remaining EZEO positions and duties were reassigned within PW on an interim basis.

The shift of noise and nuisance party duties out of EZEO represented a significant change for that program. EZEO officers had historically been recognized by the Colorado Police Officer Standards and Training (POST) as certified peace officers. This is the same certification held by police officers and includes the ability to carry firearms. The change in duties warranted an evaluation of whether the continued use of POST certified, armed officers was appropriate.

In late 2010, PW hired a law enforcement consultant to provide an independent review of and recommendation on the continued use of POST certified officers for the remaining EZEO duties. The review included interviews with all EZEO staff as well as staff from BPD, City Attorney's Office, and the Parking Services Division of the Downtown and University Hill Management District. The evaluation made a number of recommendations including (a) discontinue the use of certified, armed officers for the remaining EZEO duties; (b) complete a salary study and reclassification of job duties since the position salaries appeared to be above average; and (c) consider the consolidation of enforcement under the BPD.

In early 2011, PW and BPD discussed the consultant's recommendations including potential resource shifts. Completing the recommended salary study and reclassification was identified as an important first step and that process was initiated. While that analysis was underway, two key personnel changes occurred that broadened the range of reorganization options. Specifically, EZEO's 0.75 FTE administrative support position became vacant due to a resignation and one of the three EZEO officer positions became vacant due to a retirement announcement. PW and BPD subsequently collaborated to develop a package of enforcement duties that could be shifted to the BPD along with the vacant FTEs.

**Attachment A** provides a detailed summary of current code enforcement duties and how they would be divided among departments to improve service delivery. The proposal includes shifting EZEO duties that do not require a subject matter expert in Public Works, building, or zoning to the BPD. Examples include trash, weeds, outdoor furniture, and sidewalk snow removal. The equivalent of two FTE would be shifted to the BPD to perform these duties. The remaining duties such as building code enforcement, zoning, and occupancy would be divided between the PW and Comprehensive Planning & Sustainability departments (CP&S).

## **ANALYSIS**

The proposed consolidation of additional enforcement duties within the BPD provides an opportunity to significantly improve the efficiency and effectiveness of service delivery both in the areas proposed for reassignment and in the areas proposed to remain within PW and CP&S. The proposed distribution of duties and use of civilian code enforcement officers is consistent with models employed by many other jurisdictions. It would separate traditional code enforcement duties such as weed and trash enforcement from more specialized zoning and building code enforcement, which are often carried out by staff in those respective departments. While no specific code enforcement duties are proposed to be eliminated, EZEO would no longer exist as a distinct workgroup or program.

### ***Consolidation of Duties within BPD***

The proposed shifts from PW along with the reallocation of the existing vacancy in BPD will allow for the creation of a unit that can specifically focus on more traditional code enforcement functions such as weeds, trash, and sidewalk snow removal. Along with improved coordination with other law enforcement functions, a key benefit will be the opportunity to route complaints through full-time non-emergency dispatchers. This shift is expected to significantly improve customer service in this area. Due to the limited phone coverage provided under the existing EZEO staffing model, a large percentage of complaints reach a voicemail box and may take several days to actually be added to an inspection list.

An existing vacant Community Police Specialist position in BPD would be reallocated and reclassified to create a working supervisor position for the unit, similar to existing Animal Control and Photo Enforcement civilian supervisor positions. The unit would be housed at the Community Police Center (CPC) downtown, providing a central location, access to administrative support, and the opportunity to coordinate enforcement activities with other CPC staff.

### ***Consolidation of Zoning Administration***

Transfer of the more general code enforcement duties to the BPD will create the opportunity to consolidate the permitting, inspection, administration, and enforcement components of planning and zoning under the Zoning Administrator. One of the existing EZEO officer positions would be reassigned within CP&S and focus on violations such as over occupancy, illegal units, illegal uses, sign code, lighting, and home occupations. The position would be reclassified as a civilian position, but would maintain a commission to write municipal court summonses similar to Animal Control and Parking Control officers.

Enforcement of these regulations has not been consistent since the more complex investigations are often interrupted by fluctuations in activity levels for trash, weeds, and similar offenses. The use of a dedicated position is expected to allow more effective investigation and resolution of cases. The shift also affords CP&S the opportunity to more proactively address violations. Locating the enforcement function directly under the Zoning Administrator allows for improved utilization of associated subject matter expertise in a manner that has not been consistent under the existing staffing model and would be challenging if all enforcement functions were consolidated under the BPD.

### ***Consolidation of Public Works Enforcement***

Under the existing staffing model, one of the three EZEO officers works almost exclusively on PW-related enforcement with an emphasis on building safety. Areas of enforcement include building code, property maintenance code, nuisance abatement, illicit stormwater and sanitary sewer discharges, erosion control, and building safety aspects of medical marijuana enforcement. The proposed shift would formalize this role by returning this position to supervision under the Chief Building Official. Building safety, right-of-way inspection, and other PW staff would continue to provide technical support for the position and rely on the position primarily for situations where a summons or other formal enforcement action becomes necessary. Formalizing this role is expected to further improve coordination between inspection, permitting, administration, and enforcement functions. Similar to the zoning position, this position would be reclassified as civilian, but would retain a commission to write municipal court summonses.

### ***Areas Requiring Continued Coordination***

Several enforcement areas have been identified as requiring continued coordination between PW and BPD on either a temporary or long-term basis. PW will continue to monitor potential nuisance abatement properties at least through the end of 2011 and coordinate with BPD on any related actions. This program could potentially shift to BPD in 2012 once new officers are up to speed in other enforcement areas. The city's graffiti enforcement program currently has elements in PW Maintenance, EZEO, and BPD. That program will be reevaluated in the context of the new staffing allocations to identify options for increased efficiency.

### **NEXT STEPS**

Staff is taking immediate action to implement the reallocation plan. The three vacancies are proposed to be filled as soon as possible as the fall move-in time frame is historically a high activity period. In the next few weeks, it is anticipated that job descriptions will be finalized and postings made for a supervisor and two officers within BPD. Funding would be transferred between the two departments to cover the remainder of 2011 and be addressed in both

departments' 2012 budget submittals. Remaining EZEO staff would continue in their current roles until BPD positions are staffed and would provide support as needed through a transition period.

**ATTACHMENTS:**

**Attachment A:** Enforcement categories summary - A detailed summary of current code enforcement duties and how they would be divided among departments

**Attachment A**

<b>Enforcement Categories Summary - Sorted by B.R.C. Title - June 16, 2011</b>						
<b>Category</b>	<b>B.R.C. Title/Section</b>	<b>Police</b>	<b>Public Works</b>	<b>CP&amp;S (Zoning)</b>	<b>Parking</b>	<b>Notes</b>
Special Event Noise Monitoring	5 - 9-3	X				Contracted OT - Building/Zoning Staff as Needed
HVAC Noise	5 - 9-3	X	X			Building-Subject Matter Expert/PD-Night Support
Graffiti Summonses	5 - 4-14	X				
Illegal Use of Dumpster	5 - 4-12	X				
Noise	5 - 9	X				Already in PD
Signs in ROW	5 - 4-15	X				
Sofa Ordinance	5 - 4-16	X				
Graffiti	5 - 4-14	X	X			PD-Enforcement/PW-Public Property
Six Day Review	6 - 3-9	X				
Cut Tree Branches in ROW	6 - 3-3	X				
MMJ - Other Summonses	6 - 14	X				Already in PD
Pesticides	6 - 10	X				
Smoking	6 - 4	X				
Trash	6 - 3	X				
Weeds/State Weed List	6 - 2	X				
Woodburning	6 - 9	X				
MMJ - Building Code	6 - 14		X			
Inoperable Vehicles	7 - 7-4	X				Already in PD
Vehicular Noise	7 - 3-4	X				Already in PD
Visible Emissions	7 - 3-5	X				Already in PD
Parking in Setback	7 - 6-23			X	X	Overlapping Provisions in Title 7 & 9
Blocking ROW	8 - 6-3	X				
Plowing Snow into ROW	8 - 2-10	X				
Sidewalk Snow Removal	8 - 2-13	X				
Sidewalk Obstructions - 18"	8 -		X			Sidewalk Program-Investigate/PW Officer Enforce
Construction Materials in ROW	8 - 6-3		X			ROW Inspection-Investigate/PW Officer-Enforce
ROW Encroachments	8 - 6-3		X			ROW Inspection-Investigate/PW Officer-Enforce
PODS	8 - 6-3		X			ROW Inspection-Investigate/PW Officer-Enforce
Revocable Permit Enforcement	8 -		X			ROW Inspection-Investigate/PW Officer-Enforce
Tree Branches over ROW	8 -		X			ROW Inspection-Investigate/PW Officer-Enforce
Illegal Units	9 -		X	X		
OAU/ADU	9 - 6-3		X	X		
Site Triangles	9 -		X			ROW Inspection-Investigate/PW Officer-Enforce
Fences	9 -		X			
Setbacks (Construction)	9 - 7		X			
Banners	9 - 9-21			X		
Historic Preservation	9 -			X		
Home Occupation	9 -			X		
Illegal Uses	9 - 6			X		
Lighting	9 - 9-16			X		
MMJ - Zoning	9 -			X		
Occupancy	9 - 8-5			X		
Parking in Setback	9 -			X	X	Overlapping Provisions in Title 7 & 9
Sandwich Boards - Not in ROW	9 - 9-21			X		
Selling from Movable Structure	9 - 6			X		
Setbacks (Completed)	9 -			X		
Sign Code	9 - 9-21			X		
Sign Inspections	9 - 9-21			X		
Nuisance Abatement	10 - 25		X			PD/PW Coordinate
Building	10 - 5		X			
Fences	10 -		X			
Property Maintenance Code	10 - 2		X			Housing Code
Rental Licensing	10 - 3		X			
Stop Work Order	10 - 5		X			
Work without Permits	10 - 5		X			
Historic Preservation	10 - 13			X		
Sanitary Sewer Discharge	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce
Stormwater Discharge	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce
Tracking Mud	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce
Utility Violations	11 - 5		X			Utilities & ROW-Investigate/PW Officer-Enforce



## INFORMATION PACKET MEMORANDUM

To: Mayor Osborne and City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director, Community Planning and Sustainability  
Richstone, Susan, Long Range Planning Manager  
Charles Ferro, Land Use Review Manager  
Sam Assefa, Senior Urban Designer  
James Hewat, Historic Preservation Planner  
Elaine McLaughlin, Senior Planner

Date: June 30, 2011

Subject: **Information Item: Former Daily Camera Site (11<sup>th</sup> and Pearl) Application Status**

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### EXECUTIVE SUMMARY

This information item is intended to provide an update on the redevelopment plans for the former Daily Camera site located at 11th and Pearl streets.

### BACKGROUND AND ANALYSIS

Earlier this year the developer, Karlin Real Estate, retained the architectural firms of Shears Adkins Rockmore, and Tryba Architects to develop plans for the site. The developer's team recently submitted plans and sketches for a Concept Plan review application on the 1.3 acre site that encompasses property fronting along Pearl Street, and over the alley to Walnut Street.

During the developer's due diligence phase, members of the public along with local design professionals were invited to a series of workshops to provide input about the site's redevelopment prior to submitting an application. While these meetings were not part of the city's review process, several members of city staff attended the meetings, and the applicant provided staff with summaries from the meetings as a part of its application. **Attachment A** summarizes input received at the workshops related to use, concerns, or objectives for the site. As part of the Concept Plan review process, the applicant will be required to host a neighborhood meeting, consistent with Land Use Code section 9-2-4, B.R.C. 1981. The meeting will be open to the public where the applicant will solicit additional community and neighbor input.

**Concept Plan Review Criteria** The Concept Plan submittal will be evaluated by City staff - including engineering, transportation, land use, historic preservation, urban design and landscape architecture staff for consistency with the city's standards and the Downtown Urban Design Guidelines. The comments provided by city staff will identify key issues for discussion at the

public hearing before Planning Board on Aug. 18, 2011. Under the city's Land Use Code Section 9-2-13, B.R.C. 1981, Concept Plan review is limited to six general areas:

1. Land uses
2. Arrangement of uses
3. General circulation patterns
4. Methods of encouraging alternative transportation
5. General architectural characteristics
6. Environmental preservation

A weblink to the Concept Plan review criteria is provided herein:

[http://www.colocode.com/boulder2/chapter9-2.htm#section9\\_2\\_13](http://www.colocode.com/boulder2/chapter9-2.htm#section9_2_13)

**Site Context in Downtown Historic District** Since the site is located within the Downtown Historic District, the proposed project is also subject to review by the Landmarks Board which is responsible for reviewing all exterior and site feature changes for preservation, restoration and new construction projects located in the district. The applicant is scheduled to submit an application for a Landmarks Alterations Certificate (LAC) by July 1, 2011. This is a regulatory action per section 9-11-14, B.R.C. 1981. In this case, the LAC will focus on concept-level massing and scale, to run concurrently with the Concept Plan review.

**Concurrent Concept Plan Board Review** Given the parallel review by the two boards, staff is recommending a joint public hearing for this Concept Plan application. A recommended flow chart for that process is provided in **Attachment B**. As shown in the flow chart, the Aug. 18 joint hearing between the Landmarks Board and Planning Board will allow both boards to hear presentations from Urban Design, Planning, and Historic Preservation staff; hear the applicant's presentation; allow for question and answers of staff and the applicant; and hear public comments. Because the Landmarks Board has quasi-judicial authority on the issuance of a Landmarks Alteration Certificate, specific protocol must be followed for their review per section 9-11-15, B.R.C. 1981. Therefore, after the public hearing is closed, the Landmarks Board will adjourn to a date certain for deliberations, and the Planning Board will resume their hearing and discussion of the Concept Plan. No formal action is taken by Planning Board in the form of an approval or denial, rather the applicant receives citizen, staff and Planning Board feedback and comment on the conceptual plans.

At the next regularly scheduled Landmarks Board meeting, the board will review the Concept Plan based on the Historic Preservation Ordinance, the Historic District Guidelines and the Downtown Urban Design Guidelines. Weblinks to these documents are provided below.

1. General Design Guidelines for Boulders Historic Districts and Individual Landmarks:  
<http://www.bouldercolorado.gov/files/PDS/historicpres/pdfs/draftgenguidelines.pdf>
2. Downtown Urban Design Guidelines:  
<http://www.bouldercolorado.gov/files/PDS/historicpres/pdfs/ddguidelines.pdf>
3. Land Use Code Historic Preservation Chapter:  
<http://www.colocode.com/boulder2/chapter9-11.htm>

At the Landmarks Board meeting, the board may choose to vote in favor of a Concept Plan level LAC or they may recommend denial. If the LAC request is denied, the applicant is permitted to withdraw their application to refine their plans. If a Concept Plan level LAC is approved by Landmarks Board, that decision will be subject to City Council call-up.

Following the Concept Plan process, the applicant is expected to submit an application for Site Review. During that time, the Design Advisory Board will provide staff with input regarding the consistency of the proposed project with the Downtown Urban Design Guidelines.

**Concept Plan Summary** The Concept Plan application submittal illustrates a 160,000 square foot, four story building (with setbacks) that connects from Pearl to Walnut streets by an above grade bridge, similar to the existing building on the site. The proposed use of the building is ground floor retail with office space above. There are a number of public spaces illustrated in the Concept Plan including an at-grade open space/plaza, an interior atrium-like space, and a publicly accessible rooftop deck.

**Zoning** The site is zoned DT-5 (Downtown 5) and, like much of the downtown core, has a Boulder Valley Comprehensive Plan land use designation of Regional Business. The DT-5 zoning district permits up to a 2.7 Floor Area Ratio with a by-right FAR of 1.7. An addition of 0.5 FAR is allowed for above grade structured parking (or for residential if the parking bonus is not used) and another 0.5 FAR is allowed for provision of residential units. Currently, no density additions are permitted for provision of commercial office space above the by-right 1.7 FAR. However, because of the identified need for larger floor plate, class A office space in the downtown, a code amendment will be considered by City Council in the third quarter of this year that would provide an opportunity to permit additional FAR for commercial office uses in the DT-5 zone district through payment of an affordable housing linkage fee to help provide permanently affordable housing in the city.

The Concept Plan submittal may be viewed at the following weblink, or in hardcopy at the city's Development Services counter.

<http://www.bouldercolorado.gov/files/PDS/publicnotice/index.php?caseNumber=LUR2011-00038>

Prior to plan preparation or submitting an application, the applicant held a number of community meetings in which they solicited input from interested community members on the redevelopment of the site. The applicant provided staff with a summary of the community discussions as follows:

**Use:**

Office / large floor plates  
Retail on Pearl and Walnut  
Boutique retail  
Farmer's market / grocery  
Hardware  
Incubator space  
Civic uses, museums  
Outdoor public spaces  
Rooftop spaces / gardens / bar  
No expensive residential condominiums  
Affordable housing  
Below grade parking  
Tourist oriented  
Food  
Children oriented  
Bike station  
Day and night  
Anchor / destination  
Theater / performance/  
Conference space / entertainment

**Objectives:**

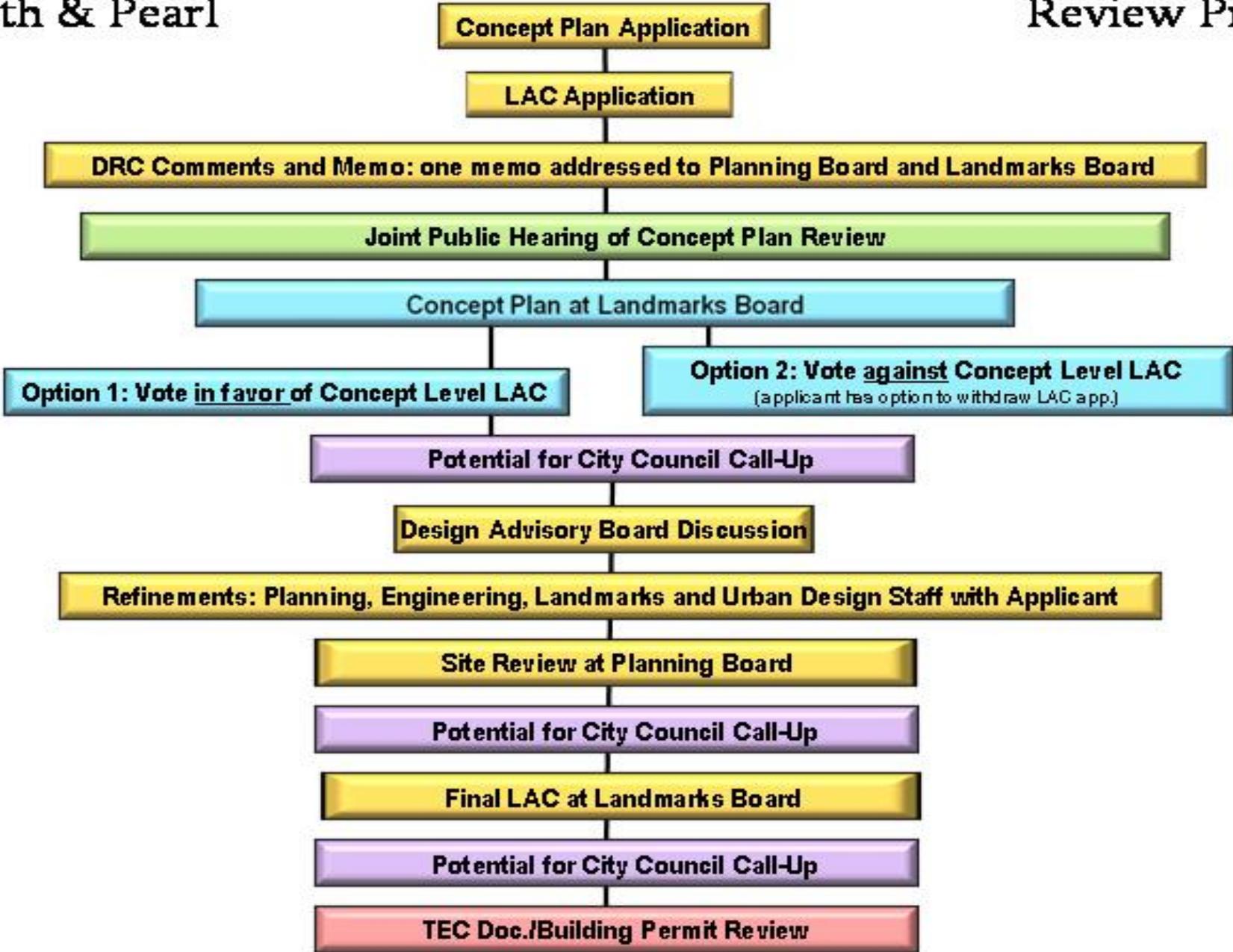
Community benefit  
Compatible  
Contextual  
Flexible  
Emphasis on northeast corner  
People oriented  
Enhanced alleyway  
Public space  
Ground level active use and transparency on Walnut and Pearl  
Uses consistent with downtown culture  
Anchor for the Pearl Street Mall  
Reinforce cross block connection  
Rooftop use  
Capitalize views  
Extraordinary, enduring design  
Catalytic / transformative  
High quality building materials  
High performance / sustainable building

**Concerns:**

Big box / national chains  
City process will compromise design quality  
Unaffordable  
Incompatible  
Dated design  
Similar to other recent projects  
Culturally incompatible  
Loss of views  
Height  
Shading

# Eleventh & Pearl

# Review Process





## INFORMATION PACKET MEMORANDUM

To: Mayor Osborne and City Council

From: Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager  
David Driskell, Executive Director of Community Planning & Sustainability  
Maureen Rait, Executive Director of Public Works  
Michael Patton, Director of Open Space and Mountain Parks  
Tracy Winfree, Director of Public Works for Transportation  
Michael Gardner-Sweeney, Transportation Planning and Operations Coordinator  
Susan Richstone, Long Range Planning Manager  
Beverly Johnson, Senior Planner  
Martha Roskowski, GO Boulder Program Manager

Date: June 30, 2011

**Subject: Information Item: U.S. 36 Implementation Progress and Status Report**

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### EXECUTIVE SUMMARY

This memo provides an overview of ongoing efforts regarding implementation of the signed Record of Decision (ROD) for U.S. 36. Significant progress is being made, with efforts currently underway to finalize funding for Phase One improvements. If the project funding package is finalized, the Phase One project would result in the construction of (a) U.S. 36 Bus Rapid Transit (BRT) / managed lanes; and (b) a bikeway from I-25 to just west of Interlocken. The project could break ground as early as summer 2012 with completion estimated for summer 2015.

The City of Boulder's Transportation Master Plan (TMP) identifies improving regional multimodal connectivity as one of its primary transportation goals. Specifically, the TMP identifies regional coalition building and select multimodal corridor connections as essential efforts toward making progress on adopted goals, including creating travel choice and holding vehicle traffic growth steady. Furthermore, City Council adopted U.S. 36 implementation guidelines in 2010 that identify funding improvements to U.S. 36 as the city's top regional

transportation priority. The link to those guidelines is provided here:  
[http://www.bouldercolorado.gov/files/Clerk/Agendas/2010/April\\_6/6A.pdf](http://www.bouldercolorado.gov/files/Clerk/Agendas/2010/April_6/6A.pdf)

Previous updates have been provided by Mayor Osborne and staff in various forms - verbally, and through informational memorandums and email. This status report provides the latest information on funding expectations and project schedule for the U.S. 36 multimodal project and ongoing issues that staff and elected representatives continue to monitor and/or participate in. While the city does not have a final decision-making role in this process, it has and continues to work closely with agencies and partners through the U.S. 36 Mayors and Commissioners Coalition, 36 Commuting Solutions, and various technical committees hosted by the Colorado Department of Transportation (CDOT).

This update provides council with information about:

- The estimated project construction schedule
- Funding decision timelines
- Potential Intergovernmental Agreements (IGAs) that may require action by the city of Boulder, including one involving wetland mitigation and the confluence area
- Technical Committee participation
- Ongoing design and implementation issues

## **FISCAL IMPACT**

Currently, the U.S. 36 project does not have direct fiscal impact to the city. Consistent with the original 2004 FasTracks ballot, the corridor must contribute 2.5 percent of the BRT portion of the project's capital cost as a FasTracks local match. As a result, the corridor will contribute 3% of the RTD's \$120M contribution toward the corridor's capital costs as part of the total local match for the project, which is \$3 million. Other FasTracks corridors have contributed local match through in-kind contributions, deferred fees and permitting costs, urban drainage credits, and other deferred direct costs rather than through direct cash contributions.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic:** Boulder's regional connections are essential to economic health by supporting commerce, employee access to jobs, and access to major academic institutions. U.S. 36, which has more current and projected person-travel volume than any other regional corridor, connects Boulder to a broad employment pool and business sectors along the corridor and in Denver.
- **Environmental:** U.S. 36 will be converted from a 1950's-era highway focused on auto travel to a corridor serving and encouraging travel choice. As approved in the Environmental Impact Statement (EIS), the project prioritizes BRT first, high-occupancy vehicles (HOVs) second and paying single-occupancy vehicles (SOVs) last. There also is a bikeway component that will serve bicycle and pedestrian travel along the corridor and connect to local community systems. This type of travel choice creates a more environmentally sustainable connection to the region.

The project will impact city-owned open space, including occupied habitat for two federally protected species, wetlands in the South Boulder Creek floodplain, prairie dog colonies and agricultural areas. Management practices to both minimize and respond to unavoidable environmental impacts to these important resources will be developed and implemented in accordance with the ROD for the U.S. 36 project. CDOT has committed to act in a manner that is consistent with Boulder's environmental protection regulations and practices.

- Social: An estimated one third of the United States population does not drive a car for various reasons including age, finances and disabilities. Making biking, carpooling and transit more viable improves mobility options for many.

## **BOARD AND COMMISSION FEEDBACK**

The Transportation Advisory Board (TAB) receives regular briefings regarding the progress of the U.S. 36 project as well as the electronic link to information packet items that are provided to the city council. The Open Space Board of Trustees (OSBT) is briefed when issues arise affecting open space lands or interests with regard to the U.S. 36 project.

## **BACKGROUND**

### U.S. 36 Funding and Implementation

In December 2009, a Record of Decision (ROD) was signed for the first phase of improvements to U.S. 36 between Denver and Boulder which signaled the end of the multi-year planning process to complete the Final Environmental Impact Statement (FEIS) for the project. The FEIS identified a "preferred alternative" set of improvements. Phase One of the preferred alternative improvements was a strong multimodal package that included a managed lane (prioritized for use by BRT, high-occupancy vehicles and toll-paying vehicles in the event of excess capacity), replacing aging infrastructure such as structurally deficient bridges and failing pavement, and a bikeway between Boulder and Denver. The Phase One improvements are generally consistent with Boulder's priorities and policy direction.

The U.S. 36 Mayors and Commissioners Coalition (MCC) has been an effective partnership in developing the shared vision of the FEIS, and in supporting the interests of the corridor on regional, state and national levels, including funding and the implementation of improvements. Funding for U.S. 36 improvements has been a major challenge given the budget pressures on FasTracks, Colorado Department of Transportation (CDOT) and the federal government. The full set of preferred alternative improvements on U.S. 36 was estimated to cost \$1.3 billion, with Phase One improvements costing approximately \$550 million.

CDOT, with support from the U.S. 36 MCC, submitted an application in 2010 for Transportation Investment Generating Economic Recovery (TIGER) stimulus funds. The project was awarded \$10 million and was invited to apply to the TIGER Transportation Infrastructure Finance and Innovation Act (TIFIA) innovative loan program. That application was submitted the first week of February 2011, and after clearing the review process, which appears likely, the TIGER grant and loan would be obligated no later than September 2011. A rating agency reviewed the project in detail, including a series of meetings with agencies, such as the High Performance Transportation Enterprise (HPTE), and coalition members during the week of June 6. The U.S.

36 TIFIA loan application is scheduled to be reviewed by its oversight board during June with action in July. Indications continue to be favorable regarding loan approval.

The TIGER grant and TIFIA loan should generate over \$60 million for the U.S. 36 project. There are a number of other funding commitments that have been made by agencies, some of which are dependent on the success of the TIGER grant and loan obligations.

Following an initial commitment of \$30 million, RTD has proposed to commit an additional \$90 million to U.S. 36 as part of a broader coalition effort to allocate approximately \$305 million of unobligated FasTracks funds to several FasTracks projects. The full \$305 million allocation is conditioned on a full funding grant agreement (FFGA) award from the Federal Transit Administration (FTA) to the Eagle P3 FasTracks project, which funds the East and Gold transit lines. The FTA sent its proposed budget including RTD’s FFGA to Congress on May 2, 2011. Following a 60-day waiting period, if no concerns arise regarding this particular investment, the FTA is expected to take the next administrative steps securing the FFGA for RTD, which would release the \$305 million, including the additional \$90 million for U.S. 36. A signing ceremony that may involve FTA Director Peter Rogoff and Secretary of Transportation Ray LaHood is being scheduled for this summer in Arvada.

The total funding package for the next phase of the U.S. 36 project as provided by the project team is as follows:

<b>Source of Funding</b>	<b>(\$ millions)</b>
Colorado Bridge Enterprise Funding	\$46
CDOT federal and State grant funds	\$38
RTD Funding (pending Eagle FFGA)	\$120*
DRCOG federal funds	\$44
TIGER Grant	\$10
<u>TIFIA Loan</u>	<u>\$54</u>
<b>Total Sources</b>	<b>\$312</b>

\* Note: The FasTracks contribution is expected to include a 2.5% local match from the corridor communities.

If this project funding package is finalized, the U.S. 36 BRT /managed lanes and bikeway project will extend from I-25 to just west of Interlocken. The project could break ground as early as summer 2012 with completion estimated for summer 2015. The project schedule demonstrating past and future milestones, recently provided by the project team, is as follows:

<b>U.S. 36 Project Milestones</b>	<b>Date</b>
Issue Letter of Interest request for the design-build contract	March 18, 2011
Issue Request for Qualifications for design-build contract	May 18, 2011
Request for Qualifications Questions Due	June 10, 2011
Request for Qualifications Response to Questions Due	June 17, 2011
Statement of Qualifications Due	June 24, 2011
Evaluation of Statement of Qualifications Complete	July 15, 2011
Notify Short list bidders for design-build contract	July 22, 2011
Issue Request for Proposals for design-build contract	September 2011
Receive design-build proposals	February 2012
Select and award design-build contract	March 2012
Open Project for toll collection	July 2015

Since U.S. 36 is a design-build project, it is possible that competitive proposals could extend the project beyond Interlocken. As a competitive process, the design-build approach means that staff members involved in technical committees are required to keep information confidential so that proposing teams have a level playing field for developing and submitting proposals. Therefore, only limited, high-level information on the technical work can be shared publicly at this time.

As the project proceeds west toward Boulder, new intergovernmental agreements between CDOT and the city are expected. More discussion about IGAs is provided in the Analysis section.

## **ANALYSIS**

### U.S. 36 Project Design and Implementation

Consistent with the U.S. 36 Implementation Guiding Principles adopted by council in 2010, staff and elected representatives of the city continue to support funding for U.S. 36's Phase One ROD such that the multimodal improvements extend to Boulder. Since it is likely that an initial phase of the project, with over \$300 million in funding, will proceed, staff and elected representatives will focus on coalition efforts assuring that the project's implementation is aligned with the approved plan. As highlighted in the original guiding principles, efforts will focus on design and implementation of an effective BRT system and other multimodal components, which were documented in the EIS (images of the Los Angeles BRT system are included in **Attachment A**).

The corridor governments are actively engaged in several elements of the project design. The corridor communities are committed to an effective BRT service on the corridor as articulated in

the EIS, and are currently discussing priorities for the design and operation of the BRT with RTD and the project team. In late May, a BRT exploration trip occurred that included members from the project team (RTD and CDOT), U.S. 36 MCC and 36 Commuting Solutions, which further informed the BRT discussion.

Other important design and implementation elements will include maintaining modal priorities (BRT first, HOV second, and single-occupant vehicle last) in design of the managed lanes, bikeway design and construction, travel demand management (TDM) strategies, and assuring that the full Phase One ROD improvements are constructed all the way to Boulder before Phase Two and Three elements are considered elsewhere on the corridor.

A technical committee, which includes corridor government staff, has been providing input on the bikeway design, which is currently slated to extend at least as far as the managed lanes in the Phase One project. Another technical committee has been identifying options for TDM strategies to reduce congestion on the roadway by providing robust alternatives and information during construction. A third committee, the Context Sensitive Solutions Working Group, is providing input to CDOT and RTD on the overall design-build contract. City staff members are serving on all three committees.

#### Intergovernmental Agreements

As the project proceeds west toward Boulder, the need for intergovernmental agreements between CDOT and the city is expected to arise. At this time, two potential IGAs include “bikeway maintenance” and “enhancements.” The EIS identifies that bikeway maintenance will be performed by local governments. The process of developing the IGAs will include negotiations on how the maintenance will be funded. Enhancements would be those items that are not included in the EIS and/or project budget, but are desired by the local, adjacent government. An example of an “enhancement” is using a more expensive aesthetic design package for structural elements, which exceeds the cost of the standard package offered by CDOT. Since the project is not yet likely to reach Boulder, these proposed IGAs are not expected to involve the city of Boulder. However, staff will work with coalition communities to understand and participate in discussions for corridor community agreements.

One IGA that is forthcoming for council consideration this year is an agreement with CDOT to provide a city-owned site for mitigation of all wetland impacts from the U.S. 36 project. CDOT has been working with staff to identify potential wetland mitigation sites on city-owned property. CDOT has received conditional approval from the U.S. Army Corps of Engineers, which administers the federal wetlands permitting program, to allow mitigation of wetland impacts from the entire the U.S. 36 project on a city-owned site located in the Boulder Creek and South Boulder Creek confluence area north of Valmont Road and east of 55<sup>th</sup> Street. The land ownership and interests of the proposed mitigation site involve the departments of Open Space and Mountain Parks (OSMP) and Public Works (Transportation and Utilities divisions). As noted, the site is city-owned open space and also includes the Pearl Parkway right-of-way and city sanitary sewer easements.

On May 26, 2011, the City Manager signed a letter of intent to support the necessary conditional permit from the Army Corps of Engineers to secure the federal TIFIA loan for project. No final commitments have been made. A multidepartmental city staff team is currently working with

CDOT to plan the wetland mitigation project, develop a draft IGA and ensure that city objectives for the confluence area are addressed.

It is expected that a draft IGA will be ready for City Council consideration this fall. Following adoption of an IGA, the staff team will continue to work with CDOT to design and implement the wetland mitigation as the initial phase of the U.S. 36 project proceeds in 2011 and 2012.

## **NEXT STEPS**

### U.S. 36 Implementation will continue to:

- focus on funding the Phase One ROD for U.S. 36 including managed lanes, BRT and bikeway to reach Boulder;
- include work with agencies to assure integrity in design and implementation such as assuring quality BRT, managed lane priorities, bikeway, travel demand management and other multimodal elements; and
- involve coordination with CDOT on IGAs related to bikeway maintenance, enhancements and wetland mitigation, including a tentatively scheduled September council agenda item on the latter.

## **ATTACHMENTS:**

**Attachment A:** Images of the Los Angeles BRT system



**City of Boulder**  
**BOARDS AND COMMISSIONS MEETING SUMMARY FORM**

<b>NAME OF BOARD/COMMISSION:</b> Human Relations Commission
<b>DATE OF MEETING:</b> May 16, 2011
<b>NAME/TELEPHONE OF PERSON PREPARING SUMMARY:</b> Beth Van Dusen (303) 441-4003
<b>NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:</b> <b>Commissioners Present</b> – Leisha Conners Bauer, Jonathan Dings, John Paul Harris, Susan Gesundheit, Amy Zuckerman <b>Staff</b> – Carmen Atilano, Beth Van Dusen
<b>WHAT TYPE OF MEETING (CIRCLE ONE)</b> [REGULAR] [SPECIAL] [QUASI-JUDICIAL]
<b>AGENDA ITEM 1 - CALL TO ORDER</b> – The May 16, 2011 HRC meeting was called to order at 6:02 pm by <b>J. Dings</b> .
<b>AGENDA ITEM 2 - AGENDA ADJUSTMENTS</b> – None
<b>AGENDA ITEM 3 – APPROVAL OF MINUTES</b> – <b>L. Conners Bauer</b> moved to accept the April 18, 2011 minutes, <b>A. Zuckerman</b> seconded. The motion passed 3-0, with <b>J. Dings</b> abstaining.
<b>AGENDA ITEM 4 – COMMUNITY PARTICIPATION</b> – None.
<b>AGENDA ITEM 5A. – ACTION ITEM – ELECTION OF CHAIRPERSON-</b> <b>L. Conners Bauer</b> was elected as Chairperson with a vote of 4-0.
<b>AGENDA ITEM 5B. – ACTION ITEM- ELECTION OF DEPUTY CHAIRPERSON-</b> <b>J. Dings</b> was elected Deputy Chairperson by a vote of 3-1. <b>J. P. Harris</b> joined the meeting in progress at 6:16 p.m.
<b>AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS</b>
<p><b>A. 2011 Work Plan – 1. HRC Handbook, Chapter 8- Expenditure of Funds for HRC Business-</b> <b>C. Atilano</b> presented an overview of HRC budget and explained the process for the allocation of funds. Chapter Eight was reviewed by section. <b>Section A-1</b> shall be changed to reflect that the meetings begin at 6:00 p.m. There was discussion regarding the policy for guest meals under <b>Section A-2- Special Meetings and Events</b>. <b>L. Conners Bauer</b> asked if the policy for guest meals includes former Commissioners. There is lack of clarity regarding guest meals. <b>S. Gesundheit</b> suggests former Commissioners be included, not spouses. <b>J. Dings</b> and <b>A. Zuckerman</b> concur and would like to know what City Council’s policy is on this issue. <b>L. Conners Bauer</b> recommends a maximum of four guests. <b>Section C- Advertising-</b> will be amended to include the city website and e-mail for special meetings. <b>J. P. Harris</b> asked if the handbook was created with the guidance of staff. <b>C. Atilano</b> explained that while it was created with staff guidance, nothing precludes the sitting HRC from making changes. <b>D. Travel-</b> There was discussion regarding whether or not Commissioners have prepared written reports after attending conferences in the past. <b>L. Conners Bauer</b> stated that the reports have been verbal in the past and recommends that committee members continue to provide a verbal report within two meetings and that the HRC guidelines be amended to read verbal report rather than written report. <b>J. Dings</b> asked about reimbursement for local travel. <b>C. Atilano</b> replied that the policy is consistent with the policies for staff. <b>L. Conners Bauer</b> suggests amending the guidelines under <b>Section D-1. Local Travel</b> - to include the following language, reimbursement shall be provided if an HRC member attends a representational event that occurs outside of normal business hours. There was discussion regarding eco-passes which are provided to HRC members but not included in Chapter 8 of the HRC handbook.</p> <p>2. I Love Boulder Campaign - Thirty second video spots of HRC members commenting on what they love about Boulder from the perspective of an HRC member will be recorded after the meeting this evening.</p> <p>3. <b>Gang Task Force Update-</b> The task force has not met since the last report/update.</p> <p>4. <b>Circles Campaign-</b> <b>L. Conners Bauer</b> announced that there is an Allies 101 training scheduled for 5/19/11. <b>C. Atilano</b> informed the HRC that Catherine Coleman is the City of Boulder contact for the Circles campaign. <b>L. C. Bauer</b> requests that Catherine do a presentation for the HRC.</p> <p>5. <b>NAHRW Update-</b> There was discussion regarding the City of Boulder’s HRC presenting at the annual conference this year. After discussion, it was decided that the HRC does not wish to proceed as a presenter at the NAHRW Conference due to the prayer issue at the conference remaining unresolved. <b>J. Dings</b> stated his concerns and reiterated that he has followed up with the planning body regarding his concerns specifically with regard to ecumenical ministers leading prayer sessions at the conference, as it tends toward a certain world view. <b>C. Atilano</b> explained that this has been an issue that has alienated people at the conference for many years; however, at the same time this is the only national organization that addresses human rights and civil rights. <b>S. Gesundheit</b> suggested that we attend the next planning session in person rather than participate by conference call as it can be difficult to communicate effectively by telephone. <b>S. Gesundheit</b> expressed that she does not think that we should be punitive to an organization that does good things. <b>J. Dings</b> suggested that the HRC lead a session at the conference on the separation of church and state. <b>J. P. Harris</b> commented that by practice they are creating policy.</p> <p><b>C. Atilano</b> will let the HRC know when the next planning session is scheduled for the NAHRW conference.</p> <p><b>B. Human Rights Ordinance 2010 Statistics-</b> <b>C. Atilano</b> reviewed the City of Boulder, Office of Human Rights Ordinance activity under Title 12, for 2010 and explained that many complaints do not fall under a protected class category. There are two active cases pending that could potentially be heard by the HRC if generated by an appeal based upon a formal complaint. <b>J. P. Harris</b> asked for more information regarding public accommodation. <b>C. Atilano</b> explained that discrimination has to be tied to a protected class.</p> <p><b>C. History of HRC Funding-</b> <b>C. Atilano</b> presented a ten year history of HRC funding through the Community Event Fund and the Community Celebration Fund. <b>L. C. Bauer</b> asked if the Community Event Fund has decreased by \$1,000.00. Yes the</p>

award has decreased from \$2,600.00 to \$1,600.00.

**AGENDA ITEM 6D – SUMMARY OF FOLLOW-UP TASKS-** Schedule Catherine Coleman in June for Circles presentation.  
NAHRW conference call on June 8, 2011.

**AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS-** There are no immediate action items and no announcements.

**AGENDA ITEM 8 – Adjournment – J. Dings** moved to adjourn the May 16, 2011 meeting. **A. Zuckerman** seconded the motion.  
The motion passed with a vote of 4-0. The meeting was adjourned at 8:07 p.m

**TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:** The next regular meeting of the HRC will be June 20, 2011 at 6:00 p.m. in Council Chambers.

**CITY OF BOULDER  
BOULDER, COLORADO  
BOARDS AND COMMISSIONS MEETING  
THEME MINUTES**

<b>Name of Board/ Commission:</b> Transportation Advisory Board	
<b>Date of Meeting:</b> 11 April 2011	
<b>Contact Information Preparing Summary:</b> Kaaren Davis 303-441-3266	
<b>Board Members Present:</b> Andria Bilich, Matt Moseley, Spenser Havlick, Jessica Yates, David Driscoll <b>Board Members Absent:</b> None	
<b>Staff Present:</b> Tracy Winfree, Director of Public Works for Transportation Mike Gardner-Sweeney, Transportation Planning and Operations Coordinator Marni Ratzel, Transportation Planner II Martha Roskowski, Go Boulder Manager Kaaren Davis, Board Secretary	
<b>Type of Meeting:</b> Advisory/ Regular	
<b>Agenda Item 1: Call to Order</b>	<b>[6:03 p.m.]</b>
The meeting was called to order at 6:03 p.m.	
<b>Agenda Item 2: Approval of minutes from 14 March 2011</b>	<b>[6:03 p.m.]</b>
Motion to approve minutes with comments, from 14 March 2011 Moved by: Yates Seconded by: Moseley <b>Motion passes: 4:1:0 (Driscoll abstains).</b>	
<b>Agenda Item 3: Swearing In of New Board Member</b>	<b>[6:08 p.m.]</b>
New board member Andria Bilich was sworn in by board secretary Kaaren Davis	
<b>Agenda Item 4: Public Participation</b>	<b>[6:10 p.m.]</b>
No members of the public being present, the public Participation period were closed	
<b>Agenda Item 5: Staff briefing and TAB input regarding the 2012-2017 Transportation Capital Improvements Program (CIP) – Part I</b>	<b>[6:10 p.m.]</b>
Mike Gardner-Sweeney gave the presentation.	
<b>Executive Summary from Packet Materials:</b>	
The city goes through an annual budget process creating a six-year planning budget, this year for the time period of 2012 through 2017. Within this process, funds are appropriated for the first year, 2012. The Transportation Advisory Board (TAB) role in this process is defined in the Boulder Revised Code (BRC) TITLE 2 GOVERNMENT ORGANIZATION, Chapter 3 Boards and Commissions, Section 14 - Transportation Advisory Board; “. . . to review all city transportation environmental assessments and capital improvements.” It is within this context that the board is asked to hold a public hearing and provide a recommendation on the Capital Improvements Program (CIP) to Planning Board and the City Council. This agenda item is intended to initiate this process by providing:	
<ul style="list-style-type: none"> <li>❖ Background information;</li> <li>❖ A tentative schedule; and,</li> <li>❖ Key issues for this year.</li> </ul>	
<b>Board Discussion Included:</b>	
<ul style="list-style-type: none"> <li>• The Board had questions regarding funding levels for pedestrian, bike, roadway and transit. Staff explained that we have a mature system for cars, CIP, focused on enhancement, we are trying to finish up the multi modal systems. Roadway is strategic investment in pavement system (capital maintenance) and some strategic bottleneck.</li> <li>• The Board expressed a desire to craft a strong message to Council expressing the need for Council to make a particular effort to find funding for transportation, as the current budget is inadequate to both maintain the infrastructure and to carry out the transit development plans which will allow Boulder to</li> </ul>	

manage its transportation demands into the future. Further, the Board is concerned that there will be fewer federal dollars available in the future and that prior methods of funding such as the excise tax will be inadequate as the demographics of Boulder change and the vehicular infrastructure reaches build out. Staff affirmed that the focus of transportation infrastructure development funding will have to be narrowed for federal dollars in order to meet budget legislation numbers. Staff further recommended that, as the CIP will go before Council in June, that the intervening time be used to craft the message the TAB would like to send.

- Revenue streams both past and future were discussed.
  - There will be less excise tax revenue available in the future as the demographics of Boulder change and the city reaches build out.
  - Revenues are not increasing at the same rate as costs which will produce a significant funding gap in the future.
  - The City does not yet have new sales tax projections but should have updates at the May or June meeting.
  - Gas tax is a major source of funding, but those funds are allocated state wide based on vehicle registration and miles of road. Consequently, since Boulder has a more mature system and a fairly robust system for non-car transportation, the city's share of gas tax tends to decrease over time because it has a smaller percentage of total state miles.
- A board member suggested that a comparison of how Boulder compares to other communities in the funding breakdown might be a good message to share with Council and the community as funding discussions move forward. Staff responded with the impression that Boulder's budgets are very atypical. There is more emphasis on alternative transportation systems than in any other similar sized communities. We are more alike with mature, imbedded communities like Denver. Staff does not believe most communities even track this information.

**Agenda Item 6: Staff Briefing and TAB input regarding the city-wide Capital Investment Strategy [6:44 p.m.]**

Martha Roskowski gave the presentation.

**Executive Summary from Packet Materials:**

TAB is asked to give input on two items regarding transportation funding.

1) City Council is exploring possible capital bond initiatives, which could provide funding for key transportation projects, in addition to addressing other city capital needs. In March, City Manager Jane Brautigam sent a letter to advisory boards, asking the boards to provide input at their April meetings. This agenda item frames that conversation.

2) On April 26, City Council will have a study session to consider potential items for the November 2011 ballot. They will discuss whether to put an advisory vote on a Transportation Maintenance Fee on the ballot. The TAB is asked to give input on this issue.

**BOARD ACTION REQUESTED:**

The Board is asked to give input to Council on:

- Priorities of transportation projects within the capital investment strategy
- Council action on the Transportation Maintenance Fee

**Board Discussion Included:**

- **How should new funding from a bond against existing revenues be split between funding areas? (Capital maintenance/ High Priority Action Items)**
  - There was a general consensus among Board members that a split between the two areas but weighted towards repair and replacement was desirable.
  - The Board agreed that whatever the exact content, they would like the language to be brought before TAB so that the Board can assist in streamlining the language and making its intent clearer and more accessible to the public.

- **Capital maintenance proposed prioritization criteria. Has staff recommended the correct criteria?**
  - The Board was in agreement with the proposed prioritization criteria.
- **High Priority Action items proposed prioritization criteria. Has staff recommended the correct criteria?**
  - A board member expressed a desire to see some emphasis on telecommuting. Staff said they would contemplate the best way to incorporate that to the examples given.
  - A board member was concerned that the list is long and in places vague and inquired who the intended audience was. Staff explained that the audience would be a staff team who will evaluate and deliver to the stakeholder group.
- **Advice from TAB to Council regarding the questions being asked of them on the TMF?**
  - Much of the Board recommended that Council not take the issue to the ballot. An advisory vote would be unwise and difficult to be successful with. Vote would not have the informed discussion about it in the community that we would need for the vote to be meaningful.
  - A board member recommended that if Council was to have an advisory vote that there be a taskforce to create a concrete proposal to present to TAB and Council. This might give Council a way to provide an opportunity for community buy-in with a buffer of prior buy in by the stakeholders.
- **If a TMF task force is convened, would TAB take a leadership role?**
  - Members of the Board expressed that TAB is willing to take a leadership role in the taskforce and resolve that it is through that process that community input will be incorporated. This would be fruitful and could save the city money required to hire a consultant to lead the process.

**Agenda Item 7: Staff briefing and TAB input regarding the Greenways Master Plan update [7:32 p.m.]**  
Marni Ratzel gave the presentation.

**Executive Summary from Packet Materials:**

A summary of the Greenways Master Plan update is being provided to board members as an information item. It is requested you review the full plan available on the Greenways webpage under "Greenways Master Plan" and forward any comments or concerns to your Greenways Advisory Committee representative. If you have questions on this material, please contact Kurt Bauer at 303-441-4232 or [BauerK@bouldercolorado.gov](mailto:BauerK@bouldercolorado.gov). The Greenways Master Plan documents (2011 and 2001 versions) and associated maps are available at: [www.bouldercolorado.gov](http://www.bouldercolorado.gov) > city A-Z > G > Greenways Program > Greenways Master Plan

**Board Discussion included:**

- Driscoll is the TAB representative to the GAC which will be meeting on May 5<sup>th</sup>. Comments from the TAB may be provided through him.
- This update of the Greenways Master Plan is a refresh designed to package all of the updates of the related master plans that have been made in the last 10 years. Funding comes from a number of sources as well. TAB is asked to look at the plan and see if the Transportation aspects of the plan are well prioritized and match the goals of the TMP, specifically with regards to trails.
- Concerns were expressed regarding the ability to develop the trail enhancements detailed in the plan with the current budgetary and staff time constraints.
- Concerns were expressed about the management of potential funding priority conflicts between the transportation pieces and other aspects of the plan. Staff assured the Board that there are diverse funding sources which reflect the diversity of the elements incorporated in the plan. For example, the Greenways serve dual purposes for both transportation and flood control and are funded both ways.

**Agenda Item 8: Staff Briefing and TAB input regarding the Boulder Valley Comprehensive Plan Trails Map update [8:07 p.m.]**

**Executive Summary from Packet Materials:**

The Boulder Valley Comprehensive Plan (BVCP) Trails Map is a comprehensive guide for existing and proposed trails and trail connections for the entire Boulder Valley. It shows proposed trails, including grade separated trail underpasses that have been planned through departmental master planning or area planning processes as well as

trail connections that are important links in the Boulder Valley and regional trails systems. See Attachment A for the BVCP Description of the BVCP Trails Map. See Attachment B for the BVCP Trails Map with proposed changes highlighted.

**Board Discussion Included:**

- A board member requested clarification regarding whether the focus was more on funding priorities or planning. Staff responded that the update is the Vision Plan. The trails are prioritized through the individual Department Master Plans, which enables the four involved boards to understand how the plan meshes with their respective areas. The BVCP Trails Map is an indexing of the existing plans, which providing an opportunity for checks and balances and for different departments in the City and between city and County to come together in a cohesive planning process. The plans that fall within TAB's purview will always come to TAB. Others will go through their appropriate boards.

**Agenda Item 9:** [8:16 p.m.]

**Matters from the Board Included:**

None

**Matters from staff included:** [8:16 p.m.]

- **Next Meeting agenda** will contain election of officers.
- **Facilities and Asset Management** is looking at a remodel of the Municipal Building. They will host an open house with all boards and commissions that use this meeting space to get input. Date not determined but notice will go out.
- **TAB gave input** on transportation innovations in a prior meeting, which proceeded through Council and hit the newspapers today.
- **RTD continues to consider the FasTracks issue.** Unsure where they will land but staff is thinking they would not go to a ballot issue in 2011. RTD continues to gather polling info.
- **Board Secretary** will work on scheduling a time for the TAB bike tour of transportation projects.

**Agenda Item 10: Future Schedule Discussion:** [8:21 p.m.]

The next few upcoming meetings are going to be full.

**Agenda Item 11: Adjournment** [8:22 p.m.]

There being no further business to come before the board at this time, by motion regularly adopted, the meeting was adjourned at 8:54 p.m.

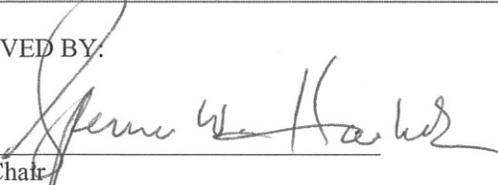
**Motion:** Yates moved to adjourn; seconded by Bilich

**Motion passes 4:0**

**Date, Time, and Location of Next Meeting:**

The next meeting will be a regular work meeting on Monday, 9 May 2011 in the Council Chambers at 6 p.m.; unless otherwise decided by staff and the Board.

APPROVED BY:

  
Board Chair

13 June 2011  
Date

ATTESTED:

  
Board Secretary

13 June 2011  
Date

An audio recording of the full meeting for which these minutes are a summary, is available on the Transportation Advisory Board web page.

**Recognition of Sri Amma Karunamayi's  
Annual Visit to Boulder**

**WHEREAS**, Sri Amma Karunamayi is visiting Boulder, Colorado for her 16<sup>th</sup> annual Darshan to bless the citizens and teach the ancient Vedic wisdom; and

**WHEREAS**, many individuals and families receive comfort, solace and spiritual regeneration from Sri Amma Karunamayi; and

**WHEREAS**, Sri Amma Karunamayi inspires us to live a life of selfless service to our communities and our world; and

**WHEREAS**, Sri Amma Karunamayi is a living example with her work through her own charities in India, which support education, health care and public service; and

**WHEREAS**, the city of Boulder welcomes Sri Amma Karunamayi and invites her to return again to share her gifts with the people

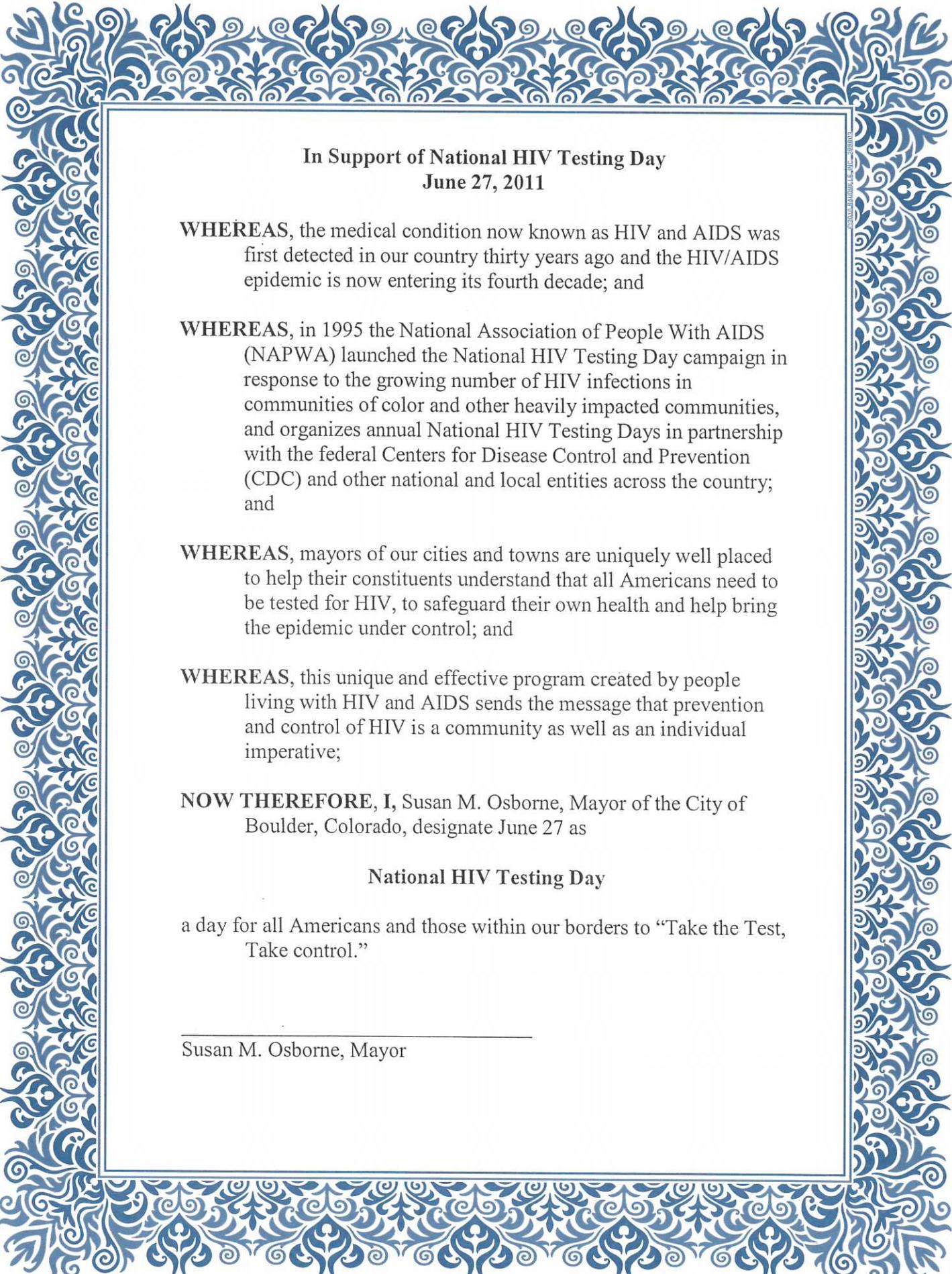
**NOW, THEREFORE, I**, Susan M. Osborne, Mayor of Boulder, Colorado, hereby designate June 16 as

**Amma Karunamayi Day**

in the city of Boulder and welcome Sri Karunamayi Amma to the community of Boulder.

  
Susan M. Osborne, Mayor





**In Support of National HIV Testing Day  
June 27, 2011**

**WHEREAS**, the medical condition now known as HIV and AIDS was first detected in our country thirty years ago and the HIV/AIDS epidemic is now entering its fourth decade; and

**WHEREAS**, in 1995 the National Association of People With AIDS (NAPWA) launched the National HIV Testing Day campaign in response to the growing number of HIV infections in communities of color and other heavily impacted communities, and organizes annual National HIV Testing Days in partnership with the federal Centers for Disease Control and Prevention (CDC) and other national and local entities across the country; and

**WHEREAS**, mayors of our cities and towns are uniquely well placed to help their constituents understand that all Americans need to be tested for HIV, to safeguard their own health and help bring the epidemic under control; and

**WHEREAS**, this unique and effective program created by people living with HIV and AIDS sends the message that prevention and control of HIV is a community as well as an individual imperative;

**NOW THEREFORE, I**, Susan M. Osborne, Mayor of the City of Boulder, Colorado, designate June 27 as

**National HIV Testing Day**

a day for all Americans and those within our borders to “Take the Test, Take control.”

---

Susan M. Osborne, Mayor

zpizza  
June 24, 2011

WHEREAS, zpizza offers a pure and healthy menu of pizza options including artisan pizzas, rusticas, pastas, calzones, sandwiches and salads to satisfy any appetite; and

WHEREAS, zpizza takes a unique approach by appealing to traditional pizza lovers, health conscious consumers and gourmet palates alike; and

WHEREAS, zpizza uses all natural, local and organic ingredients with gluten-free, vegetarian and vegan options available; and

WHEREAS, zpizza utilizes award-winning skim mozzarella from Wisconsin, certified organic tomato sauce, MSG-free pepperoni and additive-free sausage; and

WHEREAS, zpizza uses only compostable or recyclable containers for takeout, pickup and leftovers to leave a small carbon footprint;

NOW, THEREFORE, I, Susan M. Osborne, Mayor of Boulder, Colorado do hereby recognize the official opening of

**zpizza Boulder**

and extend best wishes for its continued success as a member of the Boulder business community.



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Susan M. Osborne, Mayor

